Here be=
gynneth a ryght frutefull matter: and hath to name the boke of Surueyinge & improuemen=
tes.

¶ Tho. Barthelet to the reders of this litel boke

Beade thys boke, with other of husbandrye
And ye shall fynde them very profytable
Good behouefull, and muche necessary
To my mynde they be ryght commendable
It is nat a leste, a tale, nor a fable,
It is such a mater (ye may beleue me)
As noble clerkes wrote in old antiquyte
¶ The worthy Caton. that excellente romayne
Columella Varro, and Virgilius
Of husbandrye to wryte, had in no disdayne
Nor many other, eloquent and famous
Thought it nat a thynge ingloryous
Such mater to wryte, wherby they might auaūce
The cōmen welthe, and theyr countrey enhaunce.
¶ But in our dayes, some are blynded with foly
That they count husbandry, but a thyg right vile
Some had leuer wryte of loue, ye of baudry
Than to so good a matter tourne theyr stylle
Fonde pleasure and pryde, do them so begyle
That sloth wandereth aboute in euery way
And good busynes fallyng in decay.
¶ Yet neuertheles, good labour to call agayne
In welthy busynesse, men to exercyse
This worthy man nobly hath done his payne
I meane hym, that the sayd bokes dyd deuyse
He sheweth to husbandes, in ryght fruteful wyse
The many folde good thynges, in breue sentence
Which he hath prouyd, by longe experyence
¶ And thus I leaue him, in his good wyl & mynd
That he beareth vnto the publyke weale
Wolde god noble men, coude in theyr hartes find
After such fourme, for the cōmon helthe deale
It is a true token, of hyghe loue and zeale
When he so delitethe, and taketh pleasure
By his busy labour, mēs welth to procure

¶ The table of thys boke.

Fyrst the prologue of the Auctoure for the declaracyon of thys present treatyse Fol.i.

☞ Of Castelles and other buyldynges, what the walles, the tymbre, the stone, the leade, sclate, the tyle, or other of couerynges, is worthe by the yere, as well wyth in the walles as wythout.

And also the gardeyns, curtylages, douehouses and all other profytes be worthe by the yere. Capi.i. Fol.3

☞ How many feldes are of the demayns, and how many acres are in euery felde, and what an acre is worthe by the yere. Capi.ii. fo.4.

☞ How many acres of medowe are of the demeynes, and how much euery acre is worthe, and to what maner of catell it is moste necessarye vnto and how manye beastes it wyl fynde and what the pasture of the beastes is worthe by the yere Capitulo.iii. Fo.5.

☞ Of forrayne pastures that be commen, howe many and of what maner of catell the lorde maye haue in the same, and what the pasture of a beaste is worthe by the yere. Capi.iiii. Fo.6.

☞ Of parkes and demeyne woodes, the which the lorde may asserte and to do hys profyte, and how many acres the contayne, and what the vesture of an acre is worthe, and what the ground is worthe whan the vesture is fallen. Capitulo.v. Fo.7.

☞ Of forreyne wodes where other men haue cō

men whether the lorde maye ſurpzoue hym ſelf ther of, and howe manye acres, and what the veſtures of an acre is wozth and what the groũd is wozth whan the woode is fallen, and how manye acres they contayne, and what an acre is wozth by the yere. Capi. vi. Fo. eod

¶ Of foure maner of commons. Fo. 8.

¶ Whether the lozde maye gyue oz ſell the reſydue of the fozreyne woodes, and what ſuche gyfte oz ſale is wozthe. Capi. vii Fo. 9

¶ Of panage and herbage of the towne, and of all other profites of pooles, meyzes and ronnyng waters: of moozes, hethes, and waſtes, what they be wozthe by the yere. capi. viii. Fo. 10.

¶ Of myines ſeuerall fyſchynges, and commen fyſchynges, what they be wozthe by the yere. Capi. ix. Foz. 11.

¶ Of free tenauntes, the wiche dwell wythout as well as within. capi. x. Fo. 12

¶ Who be free tenauntes and what landes and tenementes, and by what fees they holde, and by what ſeruyce, whether by ſocage oz by knyghtes ſeruyce oz other maner, and what rente of Aſſiſe they gyue by the yere, & who holdeth by chartoure and who by auncyente demeyne, and who by new feoffement. Capi. xi. Fo. 13.

¶ Of ſurrendzes of landes hold by the yarde. Fo. 16.

How the ſtewarde ſhall delyuer ſeaſon, fo. eodem

The maner of the tenauntes othe. Fol. eod

Howe the coppe ſhulde be made of landes holden by the yarde. fo. eode.

Another fourme foz certayne rente Fo. 17

A recognyſyon of a tenaunte. fo. eodem

A forme of a copy in auncyent demeyne, wher pro-
clamacyons shulde be made Fo.eod
The forme of a copy in auncient demeyne, where
the wyfe shalbe examyned. Fo.18
Another for terme of lyfe fo eode
Another fourme vpon condycyon. Fol.eodem
A manr of surrendze made to the baylyffe oute of
the courte. Fol.eodem
Where the lorde graunteth a copye of his specyal
graunte fol.eodem
Another maner of terme of yeres where the lorde
shall kepe reperacyon. Fol.19
Another maner where a man pretendeth a title, &
after releaseth in the courte Fo.eodem.
A fourme where the heyre is attempted to hys land
after the death of his father. Fo.eodem
Another maner of landes tayled wyth a remayn-
der ouer. fo.eodem
Another fourme for terme of lyfe with remayn-
dze ouer. fo.20
A surrendze out of the courte, and a remayndze vp
a condycyon. fo.eodem
A supplycacyon to be exempt from all inquestes
and Juryes within the lordshyp. fol.eode
The othes of all maner of offycers generally,
Fo.21
The othe of a denyson fol.eode
The othe of feroure Fo.22
Of those fre tenaũtes that shewe in the courte of
the Countie, and who sheweth nat, and how mu-
che falleth to the lorde after the decesse of suche te-
nauntes. Capi.xli Fo.23
Howe manye customarye tenauntes there be
and howe muche euery of them holdeth and what

wozkes and customes they do, and what the wozkes and the customes of euery tenaunte is wozthe by the yere, and howe muche rente euery of them payeth ouer the customes & wozkes, and of bonde men. Cap. xiii. Fol. 26.

Of cotters, what cotages and curtylages they holde, and by what seruyce, and howe muche rent they pay by the yere. Cap. xiiii. Fol. 28

Of perquesytes oz pzofytes of countyes, of courtes, and of fozrestes, what they be wozthe. Capi. xv. Fo. eodem

Of churches that belongeth to the gyfte of the lozdes how many there be, and where they be, and what euery Church is wozthe. Cap. xvi Fo. 29

What the herryottes be wozthe, the feyres, exchetes, customes, seruyces, and fozreyne wozkes, The pleas and perquesytes of the courtes, fynes, reliefes, and all other thynges that may fall to the lozde by the yere. Capi. xvii. Fo. 30

Explicit capitula Statuti.

¶ Of dyuers maners of takynge and doynge of homage and fealtie. Capi. xviii. Fol. 31.

What a surueyour shuld do. Ca. xix. Fol. 33.

Howe a man shuld vyewe, butte, and bounde the maner and the townesshyppes. Ca. xx. fo. 34

How to butte and bound the feldes. Ca. xxi. Fol. 37.

Howe to butte and bounde the medowes. Capi. xxii. fo 39

How to butte and bounde pastures. Ca. xxiii. Fol. 40.

How to amende earable lande. Ca. xxiiii. fo. 41

Howe

☞ How a man shulde amende his medowes. Capitulo. xxv. Fo. eode

☞ How to amedne and make better diuers maner of pasture, and fyxte of lowe ground lyke medowe ground. Capi. xxvi. Fo. 42

¶ Howe to amend ley ground that hath ben errable lande of late. Capi. xxvii. Fo. eodem.

¶ Howe to amende buschye grounde and mossye that hath ben errable in olde tyme. Capi. xxviii. Folio. 43

¶ How to a mend buschye ground that was neuer earable lande. Capi. xxix Fo. 44.

☞ Howe to amende woode grounde, that lyeth in seuerall pasture. Capi. xxx. Fo. eodem

☞ How to amend gozsty ground that hath ben errable lande. Capi. xxxi. fo. eode.

¶ Howe to amend gozstye grounde that was neuer erable lande. Capi. xxxii. Fo. 45.

¶ Howe to amende bzome grounde. Ca xxxiii. Fo. eodem.

☞ How to amend heyth grosid. Ca. xxxiiii. Fo. eodem.

¶ How to amend marrys grounde Capitulo. xxxv. Fo. 46

☞ How to amende bzompe grounde and ferny. Capi. xxxvi. Fo. eodem.

☞ Of chyltirne grounde. flinty grounde, and chalke grounde. xxxvii. Fo. eodem.

☞ Of lyme, stone ground. Cap. xxxviii. Fo. 47

What pzofytes maye come oz growe to the lozde by reason of his waters. Capi. xxxix. Fo. eode.

☞ Of diuers maner of milnes. ca. xl. Fo. eode

☞ How to make a to mylschyppe that is wozth xx. marke a yere, wozth. xx. li. Cap. xli. Fo. 50.

The

¶ The Authour.

GO thou lytell quaire with due reuerence
And with an humble herte, recõmend me
To all those, that of theyr benyuolence
This lytell treatyse, doth rede here or se
Wherwith I pray them, contented to be
And to amende it, in places behouable
Where as I haue fauted or be culpable

¶ For harde it is, a man to attayne
To make a thynge perfyte, at the fyrst syght
But whan it is reed, and well ouer sene
Fautes may be founde, that neuer came to lyght
Thoughe the maker do his dylygence and myght
Prayenge them to take it, as I haue entended
And to forgyue me, yf I haue offended.

FINIS.

¶ The prologue of the Aucthour, for the declaracyon of this present treatyse.

SAlomon sapientie primo. Omnis sapientia, vertus, honor, dignitas, et quecz scietia, a domino DEO sunt. That is to say al wise dome, vertue, Honour, dignyte and connynge, are of oure Lorde GOD. Than sythe almyghty god, our Redemer, and Creatoure, by hys ghe wisedome, goodnes liberalyte, & prouydence, in this transytory worlde and mysserable lyfe: hath ordayned dyuers estates and degrees, in hys people and creatours, & some of theym as well hath endowed wyth goostly and heuenly wysedome, and dystyncte graces, as with great honour, possessyons, and ryches, with great gyftes and graces, as well spiritual as tempozal. Hys hye commaundemente chargeth euerye persone that is partakers of the sayde gyftes oz graces charytably and discretely, the same to distrybute and deuide amonge his pooze creatures. That euery pooze person, that is wyllynge to labboure duely foz hys lyuynge, may haue therby conuenyent helpe and sustinaunce. And in as muche as the great Estates, rulers, and gouernours of this Realme, whome our sauyour hath so largely and bounteously rewarded, wythall suche gyftes, possessyons, and ryches: haue accozdynge to hys pleasure and commaundement, tempsed, distrybuted, and graunted to the creatures of god, and to theyr fermours and tenauntes, theyr seuerall

possessyons and inherytaunces, reseruing to them for the same certayne rentes, customes, and seruyces, to sustayne and vpholde theyr honours and estates, as to them appertayneth, accordynge to theyr hyghe gyftes and graces, wherwyth they be so largely endowed. And for the great zeale, loue, and comforte that I beare to the sayde fermours and tenauntes; and to all other Goddes creatures, that they maye more surely, easely, and profytably encrease and sustayne theyr poore houshold wyues and chyldren, and also truly to paye theyr rentes, customes, and seruices, vnto theyr Lordes, and the honours of their fermes and tenauntryse Of late by experyence, I contryued, compyled, & made a treatyse for the same poore fermers, and tenauntes, and called it the boke of Husbandry, the whyche me semed was very necessary for husbandmen, that vse tyllage, & for manye other of dyuers degrees and occupacyons. And where, as in the prologue of the sayde boke, I demaund and asked a questyon, and that was this, wherunto is euery man ordeyned as playnely it doth appere in the Prologue of the same? In lyke maner in the prologue of thys treatse, the whiche I entende by the sufferance & helpe of our lorde Jesu, to contryue, compyle, & make to the profyte of all noble men & women, both spirituall and temporal. I demaunde another questyon, and that is this. Howe, & by what manner do al these greate estates and noble men & wom̃ liue, & mayntayne theyr honour & degre? and in myne opynyon, theyr honour and degree is vpholden & mayntayned, by reasō of theyr rētes issues, reuenewes, & profytes that come of theyr maners, lordshyppes, landes & tenemētes to them be-

longynge

longynge. Than it is necessary to be knowē how all these maners, lordshyppes, landes or tenementes shulde be extended, surueyed, butted, bounded and valued in euerye parte, that the sayde estates shuld not be deceyued, defrauded, nor dyscherysted of theyr possessyons, rentes, customes, & seruyces, ꝑ which they haue to them reserued, for mayntenaunce of theyr estate and degrees, and that there be no percell therof loste nor embeselyde, and than may the Lorde of the sayde maners, Lordeshyppes, landes and tenementes, haue perfyte knowledge where the lande lyeth, what euery percell is worthe, and who is freholders, copyholders, costomarye tenaunt. or tenaunte at his wyll And what rentes, costomes. and seruyce he ought to haue of them, wyth many mo artycles, as here after shalbe declared. Wherfore it is necessarye that euery great estate, both menne and women of worshyppe, that haue great possessyons of landes, and tenementes, shulde haue a Surueyour, that can extende, but, and boside, and value them. And therfore to make a boke of parchement, bearynge a certayne date, after the maner and forme as I shall make an intytulynge, and to amende it were he semeth conuenyent. Multa facilius est addere quaz de nouo facere. That is to saye. It is lyghter to adde, reforme and correcte, than for to make newe & perfyte. And the Surueyour to leue the sayde boke made by hym, with his lorde, in maner of a regester wherunto to ꝑ same Surueyour or another officer may alway haue resorte, whan nede shal require to loke vpō. And ꝑ boke so made maye be a regester and sure euidēce ꝑ the lorde, his holders, copye holders, nor tenauntes shall neuer

lose landes nor rentes. customes. nor seruyces, but euery man that readeth the booke, shall perfytely knowe where the landes lye, whose it was at the day of the making of the sayd booke, and whose it is. Than if the owner make a true ple, degre, or conueyance, by discent or by purchace, vnto the sayd landes or lordshyppes. And specyally, if they names of the lordes & tenātes that occupy, myght be renewed once in fourty or thyrtye yeres. For than it wolde be as a perpetual and sure euidence for euer, to put away all strife and varyaunce bytwene lorde and lorde, lorde and tenante, tenante and tenaunte, in good quietnesse and peace. But of one thynge I pronounce and declare, and take god to my recorde, that I make this boke (all onely) to the entēt that the lordes, the freholders nor theyr heyres shuld not be dischergte, nor haue theyr landes lost nor imbesilde, nor encroched by one from another, and to none other entente.

And for that I aduertyse and exhort on Goddes behalfe. all maner of persones, as well lordes as other. That whan the lordes or freholders know where theyr landes lye, and what euerye pasture or parcell is worthe by the yere. That the lordes nor the owners therof, do nat heyghten theyr rentes of theyr tenauntes, or to cause theym to paye more rente or a greater fyne, than they haue bene accustomed to do in tyme paste. For as me semeth a greater charyte nor almes dede a man maye nat well do, than vpon his owne tenauntes. And also to the contrarye, a greater bybery nor extorcyon a man can nat do, than vpon his owne tenātes for they dare nat say naye, nor yet complayne, and therfore on theyr soules go it, that so do and nat on myne. Paraduenture the Lorde wyll saye it is

nat

nat his dede, it was his Surueyours, but that cannat be so, for saynt Augustyns sayth. Qui per aliu n facit per se ipsum facere videtur, That is to saye, he that commaundeth another man to do a thynge, he doth it hym selfe. And there be two principalles in one acte doinge, and also he sayth Consentientes et agentes pari pena puniantur. That is to saye, the consentours and the doers, shalbe lyke punysshed At gramer skole I learned a verse and that is this. Dum poteris quid vis, possis cognoscere quid sis. That is to say whan thou mayst do what thou wilte, thou maist knowe what thou arte. That is to wete, good or cupll. But for a grounde of this treatyse, the whych I do note, I call it ꝑ boke of Surueyinge, and of improuementes. I do take an olde Statute named Extenta manerii, as a principall grounde therof: as hereafter ensueth.

Of castels and other buyldynges what the walles, tymbre, stone, leade, selate, tyle, or other of couerynges is worthe, aswel within ȳ walles, as wout. And also of gardeyns, curtylages, douehouses, and al other profites be worthe by the yere. &c.

Capitulo primo.

INquirendum est de castris, et etiam aliis edificiis fossatis, circundatis quantum muri et edificia lingna et lapides, plumbum et alio modo copertura valent, et pro quanto appreciari poterunt, secundum verum valorem eorundem murorum et edificiorum. Et quantum edificia extra fossatis appreciari possunt, et quantus valent vna cum gardinis, curtylagiis, columbare et omnibus aliis, exitibus curie per annum.

That is to saye in Englysche. It is to be enquered of castelles, and also of other buyldynges dyched about, what ȳ walles, the buyldynges, tymbre stone, leade, and other maner of couerynge is worthe. And howe they maye be solde, after the very value of the ȳ same walles & buyldyng. And howe muche the buyldynge wythoute the dytche may be solde for, and what they be worthe, with the gardeyns, curtylages, douehouses, and all other yssues of the courte by the yere. To the declaracyon and construccyon of this Statute (me semeth there ought to be made a distyncyon) for the statute goth generally, De castris & aliis edificiis fossatis et circūdātis & extra fossatis. These wordes go as well to those castels & other buyldynges tha.

that be well vpholde and inhabyted, as well as of thole that be fallen in decay, & nat inhabyted, and to thole that be inhabyted. It is nat neceſſary to be extended nor valued in any parcell, for let a mā make a caſtell, towre, or anye maner of new buildynges, fynyſshe it clerely, yf ye ſhulde go take it downe & ſel euery thyng by it ſelf agayne, he ſhuld lose the more halfe of his money. And therfore in myne opinyon, this ſtatute was made ſonne after the barones warre, the whyche ended at the batayle of Eueſham or ſoone after, in the tyme of Kynge Henry the thyrde, where as many noble men of blode were ſlayne, and manye fledde, that afterwarde were attaynted for the treſon they did to the kynge. And by reaſon therof, their caſtels and maners was ſeaſed into the kynges handes; And ſo for wante of reparacyons, the caſtels and maners fell to rayne and in dekey. And whan the Kynge and his counſayle ſawe that, they thought it was better to extende them and make the moſt profyte that they coulde of them, than to let them to fall vnto the grounde, and come to no mannes helpe and profyte. Wherfore kynge Edwarde the fyrſte ordeyned this ſtatute to be made the fourth yere of hys raygne, wherin is conteyned manye and dyuers Chappters and artycles, the whyche at that tyme were but inſtructyons, howe & what they ſhuld do that were commyſſyoners or ſurueyours in the ſame. Fyrſte it is moſt neceſſarye and conuenyent to retayle and to ſell euery thynge by it ſelfe, and nat all ingroſe, ſome to one man, and ſome to another. For that that is good for one man is nat good for another, & euery thynge to be prayſed and ſolde by it ſelfe, that is to ſaye. The

stone wall of one house by it selfe, the tymber of the same house by it selfe, the couerynge by it selfe the tyle, slate, or leede by it selfe, the glasse by it selfe, the yron ware, as barres, bandes, hokes, bolstes. staples, or latches, and all suche other by them selfe, doores. wyndowes, bordes & all other thynges by them selfe, and to go from house to house and sell euery thynge by it selfe, and then shall the true value be best knowen. And it is conuenient that these thynges be offred to be solde to dyuers men, and to se who wyll gyue moost, and specyally to sell when men desyre to bye. Also to value what the grasse of the gardeyns, curtalages. courtes, and house places, that be within the diches or without, be worthe by the yere. A curtylage is a lytle crofte or courte, or place of easement to put in cattell for a tyme, or to laye in woode, cole, or tymber, or such other thynges necessary for house holde. And to value the profyte of the douehouse, yf any be there, yf it be replenysshed wyth doues.

How manye feldes are of the demeynes, and how many acres are in euery felde, and what an acre is worth by the yere. xi. Capitula secundo.

ITem inquirendem est, quot cãpi sunt in dominico, et quot acre sunt in cãpo, et quãtũ valet quelibet acra per se per annum. It is to be inquered, howe many feldes are of the demeynes, and howe manye acres are in euerye felde, and what euery acre is worthe by the yere. This is a lyghte letter and nedeth but lytle declaracyon, for by thes word, quot campi sunt in dominico. It muste nedes be taken of feldes that be in tyllage

or

or plowynge, but it woulde be vnderstande, whether the demeyne landes lye in the common feldes amonge other menues landes, or in the feldes by them selfe. And yf they lye in the common feldes, it is conuenyente that they be plowen and sowen and than is nat an acre so muche worth, as and it were in seueralt lye inclosed, or in seuerall pasture. For and the felde be inclosed aboute, than it is at the lordes pleasures, whether they shall lye to pasture or to tyllage, and thoughe it lye in tyllage, yet hathe the lorde the Edysshe, and after mache hym selfe for his owne catel. And therfore an acre is at the more value, and yf it lye in pasture, the pasture maye be suche, that it is at double or trebie the value of eareable lande, wherfore the acres are to be prayised accordynge, and yf they lye by great flattes or furlonges in the comon feldes, if is at the lordes plealure to enclose them, and kepe them in tyllage or pasture, so that none other men haue commyng therin.

¶ Howe manye acres of medowe are of demeyne and howe muche curry acre is worthe, & to what maner of catell it is moste necessarye vnto, and howe many beestes it wyll fynde, & what the pasture of a breste is worth by the yere. Capi. iii.

ITem inquirendum est, quot acre prati sūt in dominico, et quantum quelibet acra valet ad locandum per se per annum, & ad cuiusmodi bestias et animalia pastura illa fuerit magis necessaria et quot et quales possit sustinere, et quantum valet pastura cuiuslibet bestie et animalis ad locandum per annum.

It is to be enquered, howe many acres of medow are of the demeynes, and howe muche euerye acre is worthe to set bi the yere, and to what maner of beastes or cattell it is moste necessarye vnto, and howe mani it wyll fynde, and of what maner, and what the pasture of one beast is worth bi the yere And in myne opynyon, it woulde be vnderstande whether the medowes or pastures lye in commen medowes or commen pasture, at large or in seueraltye, For and it lye at large in the commen medowes, an acre is no better worth than the grasse that the haye is made of is worthe, for after it is commen and of lytle value. And yf it lye in seueraltye, it is worth halfe as much agayne as the gras was worthe. And that hyghe grounde and dry is most conuenyent for shepe, wode groūde, & busshe for beastes, and specyally in wynter tyme. Lowe groundes, medowe groundes, and marysshe groūdes for hey, and after for fatte cattell, and in wynter for horses and mares, and meane groundes, that is bothe hylly and dalye, as leyse and lowe groundes, is good for all manner of cattell yf the grasse be good and fyne, and specyally for fatte catell or fatte shepe, horse, mares, and yonge coltes, for that grasse that one manner of cattell wyl nat eate, another wyl. And therfore it is good to haue a large close, that dyuers maner of catell maye go to gyther in it, & to knowe what a beastes grasse is worthe by the yere, that is as the pasture is, that he gothe in is worthe, and nat ouer charged wyth catell, and the fynenesse of the grasse, and ẏ goodnesse of an acre. For some acre of ground is nat worthe a pennye by the yere, and some acre is worthe, xl. pence and so a beastes grasse maye be

dere

dere ynoughe twelue pence in the yere, and it may be worthe .xl.d. or .v. shyllynges, and a horse gras or a mares grasse, maye be dere ynoughe twelue pence or twenty pence by the yere, and it may be worthe fyue shyllynges or a noble, accordynge to the goodnesse of the pastures. But nowe these matters, laundes, medowes, and pastures shalbe viewed, butted, bounded, and valued, shall be rehersed, after the statute be ones declared.

¶ Of forren pastures that be commen, howe manye and of what maner or cattell the Lorde maye haue in the same, and what the pasture of a beaste is worthe by the yere. Cap iiii.

ITē inquirendē est, de pasturis forinsicis que ē communis, quot et quas bestias et animalia Dñs habere possit in eadem, & quātuz valet pastus ea y annū ad locandū. It is to be enquered of forē pastures that is commen, how many and what beastes and catell, and what the lorde may haue ī the same, & what ỳ pasture of a beast is worth by the yere to set. This is a derke letter to be well understande without a better declaracyon, for where he sayth, De pasturis forinsicis qui est cōmunis. That may be understande thre wayes, for ther is in many townes, where as their closes & pasturis lye in seueralte, there is commenly a commen close taken in, out of the commē or feldes by tenauntes of the same towne, for their oxē or kye, or other catell, in the whiche close euery man is stynted and set to a certeyne, howe many beastes he shall haue in the same and of what manner of beastes they shalbe. And yf the lorde shal haue anye castell ther in, he shuulde be put to a certeynte, & of what maner of catell, and this pasture may be well valued

And

And also the Beestes grasse, what it is wozthe, therin. But than it ought to be shewed, howe many acres be codteyned in the sayde pasture, and what euery acre is wozthe, one with another. An other maner of common pasture, is moost commenly in playne champyon countreys, where ther cattell gothe dayly befoze the herdemen, and lyeth nyghe adioynynge to their common feldes, and it may lye in two oz thze places oz mo. And in these it is also conuenyent, that euery man be stinted to a certeyntie, other by yerdes, landes, oz gäges, rentes oz suche other customes, as the tenauntes vse and the lozde in lyke maner. These comen pastures may be ertended howe many acres be in euery parcell by it selfe, and what an acre is wozthe by it selfe, but it can nat be so well knowen, what a beestes grasse is wozthe perely, foz they lye moost commenly wyth the falowe feldes, and some falowe feldes be better than some, and so a beestes grasse may be better oz wozse. The thyzde maner of comen pasture, is in the lozde outwodes that lye in common to his tenauntes, as commē mozes oz hethes, the whyche were neuer erable landes In these maner of commens, me semeth the lozde shoulde not be stynted noz set at no certeyntie, but put his cattell, vpon suche maner common pasture at his pleasure, bycause all the whole comen is his owne, and hys tenauntes haue no certayne parcell therof layde to theyz holdynges, but all onely bytte of mouthe with their cattell, and it were agayne reason to a byzdge a mā of his owne eyght. But his tenauntes and euery mannes tenauntes, me semeth ought of eyght to be stynted what euery man ought to haue, goynge vpon all

manee

maner of commens, for this wold the ryche men in the begynnyng of Somer bye shepe and other maner of cattell, and eate the commens, and sell them agayne at wynter, or put them in their pastures that they haue spared al the Somer, and so oppresse the poore men, that haue no money to bye nor able to reyse.

¶ Of parkes and demeyne wodes, the which the lorde may assarte and to do his profyte, and how many acres they conteine, and what the vesture of an acre is worthe, and what the ground is worthe whan the vesture is fallen, &c. Chapiter. v.

Item inquirendum est, de parcis et dominicis boscis, que ad voluntatē suaz possunt assertare et excolere et quot acre in se continentur Et quantum vestura cuiuslibet acre possit appreciari, et quantum fundus in se contineat et valeat quando prostratus fuerit, et quantum valeat quelibet acra per se per annum . It is to be enquered of parkes and of demeyne wodes, the whyche at the lordes wyll may be asserted and plucked vp or fallen downe, and howe many acres are conteyned in them, and for howe muche the vesture of euery acre maye be solde, and how muche the ground in him self conteyneth, whan the wode is fallen. and how muche euery acre is worthe by it selfe by the yere. This to be vnderstande, of parkes and demeyne woodes, that be in seuerallye, whereof the lord at his pleasure, maye asserte, stoke vp by the rootes, or fall by the earth, plowe and sow to

hys

hys mooſt profyte as he wyll. And howe many acres of woode are conteyned in the ſame. For in a parke or woode maye be two hundred acres and more, and yet nat paſte an hundred acres therof woode, lytel more or lytell laſſe, and what the veſture (that is to ſaye) the woode of euerye acre is worthe by hym ſelfe, for one Acre maye be worthe. xx. s. or. xl. s. and another acre dere ynough he. ii. s. vi. or. x. s. and howe much the hole groũd conteyneth whan the woode is fallen.

And that is to be vnderſtande, all the grounde wythin a paie or hedge, as wel the lande grounde as of ỹ woode grounde where the woodes growed, and what euery acre is worthe by the yere, as well of the one maner as of the other.

¶ Of forren woodes where other men haue commen, where the lorde may improue hymſelfe thereof, and of howe many acres, and what the veſture of an acre is worthe, & what the groũd is worthe whan the woode is fallen, and howe many acres they containe, and what an acre is worthe. Capi. vi.

ITem inquirendum eſt, de boſcis forinſicis vbi alii cõmunicant, quid de eiſdem boſcis dominus ſe poſſit appreciare, et de quot acris et pro quãto veſtura cuiuſlibet acre, communiter poſſit appreciari, et quantum fundus valet poſtq̃ proſtratus fuerit boſcus, & quot acre iſte contineãt, et quãtũ quelibet acra valet per annum. It is to be inquered of forren woodes where they & other cõmen to gether, & what of thoſe woodes the Lorde may improue hym ſelfe, and of howe many acres and for howe muche the veſture, that is to ſaye, the woode of euery acre maye be ſolde, and howe

muche the grounde is worthe after the woode be fallen downe, and howe many acres it conteineth and what euery acre is worthe by the yere. The declaracyon of this statute is doubtefull, bycause of the none certayne therof, what is sufficyent cõmen, for it is clerely ordayned by the Statute of Merton, and after confyrmed by the Statute of Westmynster. ii. That the lorde shal improue him selfe of theyr wastes, whereby is vnderstande of theyr commen moores, heathes, and waste grounes, as well as of woodes. Thoughe the Statute speke but of woodes onely leuynge theyr tenauntes sufficyent commen, the whiche in myne opinyon be those tenauntes that haue commen appendaunce, and holde theyr landes of hym. It is necessarye to be knowen what is suffycyent of commen, and that me semeth by reason should be thus To see howe muche cattell the hey and the strawe that an husbande getteth vppon his owne tenement, wyll fynde sufficyently in winter, yf they ly in house, and be kepte therewyth all the wynter season for so muche cattell shulde he haue commen in Somer, and that is sufficyent. Ye shall vnderstande that there be foure maner of cõmens, that is to witte, commen appendant, commen appurtenaunt, commen in grose, & commen per cause de vicynage, s. neyghbourshyp. Commẽ appendant, is where a Lorde of olde tyme hathe graunted to a man a meseplace, & certayne lãdes medowes, and pastures wyth theyr appurtenaunces to holde of him. To this meseplace, landes, and medowes belongeth cõmen; and that is called cõmen appẽdãt But and a man graunte to another certayne landes or pastures, ỹ whiche lie in seueralte, enclosed

wyth

wyth ỹ appurtenaance in free, to hold of the chefe Lordes, to these landes me semeth belongeth no commen wythoute he haue suche specyall wordes in his dede. Commen appurtenaunce, is where a man hath had commen to a certayne nombre of beestes, or wythout nõbre, belongyng to hys mese place in the Lordes wastes, this is commen appurtenaunce by prescripcion, bycause of the vse out of tyme of mynde. Commen in grose, is where the Lorde hath graunted by hys dede, commen of pasture to a straunger, that holdeth no landes of hym, nor ought to haue any cõmen, but by reason of that graunte by dede. Nowe the lorde may nat improue hym selfe of any parcell, for it is contrarye to hys graunte, thoughe there be sufficyent of commen. And in lyke case yf the lord graunte commen to a man by dede, and to sympytte hym a certayne nombre of beestes, se what was commen at that tyme, and of that the lorde shall nat improue hym selfe, for and he shoulde, the goodnesse of the commen to that certayne nombre shulde be abrydged, that they shulde nat fare so well, and euerye mannes dede shalbe taken strongest agaynst hym selfe. And in lyke maner yf the lorde graunt a mã commen with his cattel, wythin certtaine meyres limyttes, and bondes, the lorde shal nat improue hym selfe, within those meyres and bounder. Cõmen per cause de vycynage, is where the waste grounde of two Townethyppes lye togyther, and nother hedge nor pale betwene to kepe theyr cattell a sonder, so that the cattell of one Townethyppe goeth ouer hys meyre or bounde into the waste grounde of the other towne, and lykewise the cattell of the other townethyppe to them. And

also

also yf theyr commen feldes lye to gyther vnclosed in open tyme whan harueſt is in, theyr catell wyll go out of one felde into the other felde, and thys is called cõmens, bycause of neyghebourshyp and is nat vſed nor lawfull to pinne theyr catel so goynge, but in good maner to dryue and chase beſide ſuche commen. And as for that maner of commẽs me ſemethe the Lorde maye proue hym ſelf of theire waſte groundes, leauynge theyr owne tenaunces ſuffycyent commen, hauynge no regarde to the tenauntes, of the other towne shyp. But as for all earable landes medowes, leyſe & paſtures, the Lordes maye improue them ſelfe by courſe of the commen law for the ſtatute ſpeaketh nothyng but of waſte groundes, and ye ſhall vnderſtande, that howe be it that a Lorde maye nat improue, hym ſelfe of hys waſte groundes, yet maye he lawfully fell and ſell all the wode, brome, gorſe, fyrs, braken, ferne, bulſhes, thornes, and ſuch other, as free ſtone, lyme ſtone, chalke, turues, claye, ſande, leade, ore, or tynne, to hys owne vſe, for the tenauntes maye haue nothynge by reaſon of commen, but all onely byete of mouth with theyr catell. And ye ſhall knowe that ſwyne and gees haue no commẽ but by ſufferaunce, without ſpeciall wordes in theyr charter. Alſo the Lorde ſhall haue his free warren, for al maner beaſtes and foules, of warrẽ in hys waſte groundes, as well as in ſeuerall groundes, and as longe as the beaſtes or foules of warren be vpon the lordes ground, they be the lordes yf he haue warren and the lorde maye haue an accyon of Treſpas agaynſt any man, that chaſeth or kylleth any of them in his commen, as wel as in his ſeuerall, And yf they go or flye out of the

lozdes warren, than is the pzopertie changed, and the lozdes hath lost his accyon foz takyng of them whan they be out of his warren, wythoute they come into his warren agayne, there is no man hathe warren but by speciall graunt of the kynge by charter, except it haue bene vsed in tyme out of mynde, and alowed befoze Justyces of Eire. And as foz the artycles conteyned in this pzesente chapiter the letter therof is playne ynough. And also touchyng befoze.

¶ Whether the lozde may geue oz sell the resydue of his fozren woodes, and what such gyftes oz sale is wozth by the yere.

xi. Capitulo. vii.

ITem inquirendum est, virum dominus de residuo boscozum pzedictozum fozinsicozum, dare possit et quantum valet talis donatio, vell venditio per annum. It is also to be enquired, whether the Lozde maye geue oz sell the resydue of hys fozren woodes afozesayde, and what suche gyftes oz sale is wozth by the yere. This letter is playne ynoughe. and as me semeth no doubte but that the Lozde maye geue oz sell the resydue of the sayde woodes oz wastes. Excepte that a man haue commen of Estouers. But what the gyfte oz sale is wozth, it is to be vnderstand and knowen, and as me semeth the doner oz the byoure, shalbe in lyke case, as the lozde shulde haue bene, yf he had not gyuen it nozsolde it. Than the lozde hath impzoued hym selfe of as muche woodes noz wastes as he can lawfully, and whan he hath geuen oz solde the resydue of that, he can not impzoue hym selfe of it. In lyke maner the doner and the byoure can nat impzoue them selfe of any parte therof.

Foz

For they can nat be in no better case, than he of whome they had it. Howe be it that they that of ryght ought to haue theyr commens be nat theyr tenantes, but theyr tytell and interest grewe by inherytaunce, longe tyme before the gyfte or sale made by the lorde. And it foloweth by reason that the gyfte or sale of a straunger, shall nat hurte an other mannes inherytaunce. But thys doner, or this purchasoure, shall take to theyre profyte all the vesture standyng vpon, or beyng within the sayde grounde, as woodes and suche other, as is sayde before in the nexte chapiter.

¶ Of panage and herbage of the Towne, and of all other profytes of pooles, meyres, and ronnynge waters, of Moores, Hethes, and wastes, what they be worth by the yere &c. Capi. viii.

ITem inquirendum est de panagio & herbagio ville, et omnibus alis exitibus viuariorum morarũ bruerũ & vastorum quãtuz valent per annũ.

¶ Also it is to be enquired, of panage & herbage of the same towne, and of all other profytes of pooles, meyres, and ronnyng waters, of Moores, hethes and wastes, what they be worthe by the yere. And where this statute speaketh, de panagio, that is to be vnderstande, whan there is any maste growynge in the lordes woodes, wherby mennes swyne maye be fedde, and releued, what profyte that may be to the lorde. For there is no man that can clayme of ryghte to haue the maste, the whiche is a fruyte, but the lorde, excepte his fre tenaunte haue it by speciall wordes in hys dede. Quid sit quietus de panagio. And the lord shall haue it in his forren oute wodes, as wel as

in his parkes or seuerall wodes, and as the quan
tyte of the moste is, so the lordes bayliye of ryghe
ought to laye mennes swyne therunto from Mig
helmas to Martelmas, and to make a trew ac-
compte therof at the Lordes audyte, what he ta-
keth for euery swyne. And in manye places the te-
nauntes go fro panage in the forren wodes by cu
stome, that is moste comenly where as the tenan
tes paye tacke swyne by custome, yf ye haue to a
certayne nombre. or els to paye yerelye at Myg-
helmas .i.d. or an halfe penye for euery swyne, as
the custome is vsed. The statute speaketh. De her
bagia ville. This is to be vnderstand, of the com-
men pasture that belongeth to the towne, where
vpon the herdeman kepethe the tenauntes catell.
It maye be so good, that the tenauntes nede nat
to haue any seuerall pasture, but that theyr com-
men pasture shulde be able to fynde all theyr ca-
tell, both horses, mares, beastes and shepe, and so
it was of olde tyme that all the landes, medowes,
and pastures, laye open and enclosed. And than
was theyr tenementes muche better chepe than
they be nowe, for the most part of the lordes haue
closed theyr demeyne landes and medowes, and
keye them in seuerallye so that theyr tenauntes
haue no common with them therin. And also the
lordes haue enclosed a greate parte of theyr waste
groundes and streytened theyr tenauntes of theyr
commens therin, and also haue gyuyn lycence to
dyuers of theyr tenauntes to enclose part of their
earable landes, and to take in newe intackes, or
closes out of the commēs, payeng to theyr lordes
more rente therfore, so that the commen pastures
waxyn lesse, and the rentes of the tenaūtes waxe
more

moze and moze. And that is because the tenaun-tes waxen moze polotyke in wisdome to impzoue theyz tenementes, holdinges, and fermes, and at the ende of the terme, an other man that made no cost of the sayde impzouementes offereth the lozd certayne money foz a fyne to haue it, oz to heygh-ten the rente of the same, so that he that made the cost oz his childzen, shal not haue the sayd ferme without he wyl geue as muche oz moze as is offe-red to the Lozde, and so thozow the enuy of his neyghboure and the couetousnes of the Lozd and his offycers, the pooze tenaunte hath a great losse oz els vtterly vndone, God amend it. And the lozdes haue a greter losse thā they wene, foz theyz tenauntes se howe theyz neyghboures that haue buylded theyz houses, impzoued theyz landes and be put oute, except he make a fyne oz paye moze rente, causeth men nother to buylde noz other-wyse to impzoue theyz holdynges, to the Lozdes great losse at lengthe. And where the statute saith De omnibus aliis exitibus viuariozum mozarū bzuerum ⁊ vastozum. And of al pzofytes that shal come of the lozdes standing waters, mozes hethes and wastes. Viuarium is a pole oz a meyze that fyshe increaseth and leueth in. Some rynnynge waters be as free and seuerall to the Lozdes, as theyz pooles, meyzes of stannyng waters. And as they be stozed with fyshe, so doth the pzofyte ryse to the Lozdes, whether they go by waye of im-pzouement oz set to ferme, wherof the bayliffe shal make accompte. Moozes, hethes, ⁊ wastes, go in lyke maner as the herbage of the townes. foz ehe lozdes tenātes haue cōmen in al such out groūdes with theyz cattell, but they shall haue no woode.

thornes, furues, gorse, ferne, & suche other, but by custome, or els speyall wordes in his chartoure.

¶ Of mylnes seuerall fyschynge, and commen fyschynge what they be worth in the yere. Capt. ix

Item de molendinis piscariis, seperalibus, et communibus quantum valent.

¶ Also of mylnes, seuerall fyschynges, and commen fyschynges, what they be worthe. In this short article manye thynges are to be remembred for where he sayth. De molendinis, the whiche is in the pureſt nombre, it is to be vnderstande, that there be many maner of mylnes, as corne mylnes wyndemylnes, horse mylnes, and quernes that go wyth hande. Fullyng mylnes, sythe mylnes cutler mylnes, smythe mylnes. and all other as the whele goeth by dyrkt of water, to blowe the bales or to dray any water lyke a pompe, as ther be in Corne wall and dyuers other places. Thoughe they be no mylnes properly to grynd corne, yet it is a pro fyte to the lorde, ỹ whyche a Surueyour may nat forget to put in hys boke, and to but and bounde them as they lye, & who be the fermours, and what renters they paye. And to the corne mylnes to the most parte of them belongeth. Socone, that is to say custome of ỹ tenauntes to grind their corne at the lordes mylne, and that is as me semeth, al such corne as groweth vpon the Lordes grounde, that he spendeth in his house. But and he bie his corne in the market or other places, he is than at lyberte to grynde where he maye be best serued, that maner of gryndynge is called loue Socone, & the lordes tenaũtes be called bõde socone. And if they grynde nat theyr corne at the lordes mylne, ỹ lord may amerce them in hys courte, or els he maye sue them

them at the commen lawe. De secta molendini fa-
cienda. But whan he shall make hys declaracyon
in the debet, and whan in the solet. I remyt that
to men of lawe, that haue experyence therof. It is
also to be knowen howe the tolle shulde be taken
but there be so manye dyuers grauntes made by
the lorde some men to be grounden to the twentye
parte, and some to the. xiiii. part, tenaunte at will
to the xvi. parte, and boundemen to the. xii. parte,
some men tolle free, and some, to hopper free, that
is to wyte, that his corne shalbe put into the hop
per and grounde nexte the corne that is in the
hopper at the tyme of hys commyng. And in some
place to take the tolle after the strēgthe of the wa
ter, that folowethe by reason, for that myne that
hath a byg water, and maye dryue a greate brode
stone, the whiche wyll make muche more meyle,
than that myne that gothe with a lytell stone, he
is much better worthy to haue the more tolle, and
yet shall the owner of the corne haue the more pro
fyte. And so there be so many diuersytes of taking
of tolle, that I wyll nat take vpon me to tell how
but also I remyt it to men of lawe to shewe the
dyuersytes. But doubte ye nat, the mylners
wyll be noleses. & of all mylnes ther shal more be
spoken of in the Chapiter of waters amonge the
improuementes. De piscariis seperalibus, that is
to be vnderstande, in the lordes standinge waters
as pooles, meyres, and also rennyng waters that
be seuerall, as be very many in dyuers countryes
set to ferme from one place of the ryuer to ano-
ther for certeyne rente, and yf any man fysshe in
the lordes poole or meyres, the Lorde maye haue
his accyon vpon the statute. Westmynster primer

And yf he fysche in the ronnynge and seuerall waters, the lorde maye haue his accyon at the comen lawe, and in lykewyse the lordes tenaunte, yf any man fysche in his ferme holde be it standynge waters or ronnyng waters, And where he sayth. De omnibus, of commen fesschynges, that is lytle profyte to the Lorde but to hys tenauntes, excepte he dwel nyghe the see, and wyll cause hys seruauntes to fische there for him, for ẏ is the best commẽ water ẏ anye man can fysche in. And some ronnynge waters be cõmon, as lytle brokes ⁊ dyches, and in some ronnynge waters, the lordes tenaũtes haue lyberty by custome to fysche ẇ shouenettes trodnettes, small pytches, ⁊ such other.

¶ Of fre tenauntes the whyche dwell wythoute as well as within. ⁊c. Capi. x.

ITem inquirendum est. de liberis tenentibus quibusque forinsecis ebtrinsecis.

Also it is to be enquered of freholders, the which dwell without as well as within. By thys letter it is to be vnderstand. that a freholder maye dwel out of the precyncte of the lordes maner, and tye holde hys lande of the sayd maner. For one maner may stretche into dyuers shyres, as the honor of Tutebury, Walyngforde, Pountefrette, Tuckyll, ⁊ suche other. And in that case the lord of the honoure or maner, may take a distresse for his rẽtes, homages, relyfes, customes, and seruyces and to brynge the same distresse out of that shyre where it was taken, into the shyre where the maner is of whome the sayd lande be holden.

And yf the tenaunte wyll sue Repleuy, the shyryffe where the catell is, shall make and serue the Repleuy, and nat the shyryffe where the goodes or

the

the catell was taken, nor retourne of his repleuy. Quod aueria elangata sunt. And the Lorde maye haue a free holder that holdeth his lande of hym and payeth him chefe rentes, and other seruyce, & nat by the reason of any maner. And thus yf a mā purches a parcell of lande before the makynge of the statute Quia emptores terrarum, and gyue ỳ same landes agayne to a straunger before the makynge of the sayde statute, to holde of hym by certayne rente and seruyce, this may be called a forren free holder, for it is no parcell of any maner and it is no maner it selfe. For to euery maner belongeth two thynges, that is to saye, parcell in demeyne, and parcell in seruyce. That is landes in demeyne belongynge to the maner and seruyce, customes, or rentes, & this free holder I speake of before hathe demeyne, but he hath no seruyce. Also a man maye haue bothe rente and seruyce of a free holder, and yet he holdeth not hys landes of hym that he paieth his chefe rente vnto. Als and a man purchace landes sith the makyng of the sayd statute, and geue it to a straunger, reseruyng fealtye and certayne rente, thys free holder holdeth his landes of the chefe Lorde next aboue, and yet shall he paye hys rentes and seruyces reserued to hym that gaue it to hym, and if the gyfte were in the tayle and no remaynder in fee ouer, nowe the reuersion resteth styll in the donor, I could speke more of the gyftes and remaynders, but I remyt them to men of lawe that be learned, for it is not the matter that I entende to speake of. How bele it is very necessary for euery Surueyour to haue in syght and experyence of the cōmen law, or els at some season he shall dysceyue his Lorde, or his

tenaunte, and specyally his owne soule, for sayntᵉ Isodorus sayth. Quod ignorantia crassa vell affecta non excusat peccatum. That is to say, ignorauntᵉ of connyng or of the faculty in him that taketh vpon hym, as a mayster or a teacher of the science or connynge, excuseth nat a mans offence for euery man ꝑ god hathe sent wyt & reason vnto is bounde to knowe whether he do wel or yl. And therfore it is necessarye, ꝑ euery man learne & do hys delygence to knowe, what he ought to do, or he take vpon hym, any such office or roume.

¶ Who be free tenauntes, & what landes & tenementes, & what fees they holde, and by what seruyce, whether by socage or by knyghtes seruyce or other, & what rente of Assyse they gyue by the yere & who holdeth by charter, & who by auncyent demeyne, & who by newe feoffemente. Capi. xi.

ITem inquirendum est, qui sunt liberi tenentes, & que et quas terras & tenta, et que feoda teneant, et per quod seruicium, vtrum per soccagium, vel per seruicium militare, vel alio modo, et quantum reddant per annum de redditu assise, et qui tenent per cartam, et qui non, et qui per antiquam tenuram, et qui per nouum feoffamentum. Also it is to be enquered, who be free tenauntes, and what maner landes and tenemētes, and what fees they holde, and by what seruyce, and whether it be by socage or knyghtes seruyce, or of anye other maner, and what they ycide by the yere of rente of Assyse, and who holdeth by charter, and who nat, and who by the olde tenure, and who be the newe feoffement. It appereth by this artycle, that there be manye maner of fre holders and holde theyr landes and tenementes in dyuers

maner

maner, ,and by many maner of rentes, custome, and seruyces, as tenauntes in Fee symple, tenauntes in tayle, tenauntes by coppe of courte rolle, tenauntes by the curtesye, tenauntes in dower, and tenauntes for terme of lyfe by speryal graunt, and many other. And all these tenauntes may holde thayr landes by dyuers tenures, customes and seruyces, as by homage, fealtye, escuage, socage knyghtes seruyce, graunt sergentye, petite sergentie, frankeasmoyne, homage, auncetrell, burgage, tenures, and tenure in bylenage. But to declare the dyuersyte of all the tenures, it wold be to long a processe, & therfore I rempt it to the fyrste boke of the commen lawe, called the tenures. But the dyuersyte of these tenures, what rentes, fees, customes, & seruyces, the lorde ought to haue of his tenauntes, can not be knowen but by ꝑ lordes euydence, court rols, rentales, and such other presidētes, & especially by the ozygynall dedes of theyr tenauntes. And ye shal knowe, ꝑ the lordes may not distreyne theyr tenauntes, nor cease theyr landes into theyr handes, to cause their tenauntes to shewe theyr euydence, wherby they holde their landes. But and the lorde haue any euydence, rentayles or court rolles of any maner of rentes, costomes, or seruyces, that he hath not and can proue a possession of the same in his auncestres, sith the lymytacion expressed in the statute of Westmynster seconde in the seconde chappter, that he maye lawefully distrayne for the same. And than muste the tenaunte shewe a discharge by sufficient wrytynge, and not by wordes or els to paye the same for mater in wrytynge, maye not be discharged by a nude parol, s. bare wordes. The statuts speketh

Mus

Qui tenent per cartam, et qui non. The tenauntes in Fee symple, and the tenaũtes in tayle, that haue euydence and deedes made and sealed, and possessyon delyuered of their lordes or by their atturney, from one to an other, they holde theyr landes by charter, be it new made or olde. And also there be tenauntes in Fee symple, and tenantes in tayle, that hold by no charter, and those be tenauntes be copy of court rolle. And as a Lorde haue a maner, and wythin the sayde maner there is a costome, ꝑ hath bene vsed tyme out of mynde that certayne tenauntes wythin the sayde maner haue vsed to haue theyre landes and teaementes, to hold to them and to theyr heyres in Fee simple Fee tayle, or for terme of lyfe, at the wyll of the lorde after the custome of the maner. And such a tenaũte may not gyue or sel hys land by dede for he do, the lorde maye entre as in landes forfayte to hym. For yf such a tenaũt wyl gyue or sel such maner of landes to another, he must surrender ꝑ same landes in the lordes court, into the lordes hãdes, vnto the vse of hym ꝑ shulde haue it, in Fee symple, Fee tayle, or for terme of life. And he that shal haue the lande, must come into the court and take it of the lorde as her after foloweth.

AD hanc curiam venit I. B. et sursum reddidit in eadẽ curia vnum messuagiũ. ꝛc. in manus domini ad vsum. A. D. ꝛ heredum suorum vel heredẽ de corpore suo existentium, vel pro termino vite sue. Et super hoc venit predictus A. D. et cepit de domino in eadem curia predictum messuagium. ꝛc. habendũ et tenendum sibi et heredẽ suis vel sibi et heredibus de corpore suo existentibus, vel sibi ad terminum vite sue ad voluntatem domini

mini secundum consuetudinem manerii faciendo et reddendo inde reddditer seulria et consueiudines inde prius debita et consueta, et dat domino de fine.&c.et fecit domino fidelitatem,et admissus est inde tenens. And these maner of tenauntes shall nat plede nor be impleded of theyr tenementes by the kynges writte,but and they will implede eche other for theyr tenants,they shal haue theyr pleins made in the lordes court,after this forme or effect ¶ A. de B. queritur versus C. de D. de placito terre vez de vno messuagio, decem acris terre, tribus acris prati.&c.cum pertinenciis . And shall make protestacyon to sue his plainte in the nature of the kynges writte ,of Fordowne in descendre at the commen lawe, or of the kynges writ of Assyse of Nouell disseisin or of Assyse of Wardaū cester,or of any other writte at the commen lawe Plegii de prosequendō. G. F. et. G. H,but how ỹ declaracyon,the answere,replicacyon,and reioynder shulde be made,and also an accyon of Dette. Detinue, Couenant, Trespas,and suche other, I remytte that to men of lawe,that haue experyence therof. But one thinge wote I well, that manye an errompouse processe the Stewardes make in theyr courte rolles,wherfore men of honoure and of worshyppe, and suche other shulde make men of lawe , theyr Stewardes , and to cause them to exercysee the office hym selfe , wythe his clerke sufficyentlye instructed by hys mayster , that there maye be due proues without fauoure,bribery,or extorcyon,on payne of forfayture of hys office. But it is a commen vse in some countreyes, that lordes,knyghtes. squyres, and gentylmen, that knowe but lytell of the lawe,be made Stewardes

wardes, and they come to the courte or sends theyr clerkes, that can as lytell lawe as their mayster or lesse, but that he vnderstandeth a lytell latten. And yf therebe a fyne to make for a tenaunte house, or close that is to be set the Stewarde shall haue a rewarde for hys good wyll. that he maye haue it before another man, and the clerke muste haue another rewarde for to entreate hys mayster to the same, so that the lordes fyne muste nedes be the lesse, or els the poore man shalbe of a great charge, wherof speaketh Salomon prouerbiorum. xvii. Melius est parum cum iusticio, quã multi fructus cum iniquitate. It is better to haue a lytell ryghtwyselye, then to haue muche prophyte wyckedly. But nowe my mater that I speake of before, there maye be in one maner or lordeshyppe bothe charter lande and copy lande, & eche of them well knowen from other & one man maye haue & hold them bothe. Also ther be other tenauntes by copy of court rolle, and are called tenauntes per le verge. s. by the yerde. And they be called so, bycause whan they wolde surrender theyr tenementes into the Lordes handes to the vse of another they shall haue a lytel yerde in their hande by custome of the court, and that they shall delyuer vnto the stewarde, yf he be there presente, or to ỹ bayly or reue, or to other two honest men of the lordeshyppe. And at the nexte courte be that shall haue the sayde landes shall take it in the court, and his takynge shalbe entred in the rolle, & the Steward or bayliffe, as the custome is vsed. shall delyuer to hym that shall haue the lande, the same yerde, or another in the name of seasen, and hathe none

other

other euydence but the copy of the court rolle, and it may be made in Fee symple, or Fee tayle, or for terme of lyfe. And all maner of costomes that be not agayne reason maye be admytted and allowed for a custome. And howe be it ỳ these maner of copi holders of haue ā estate of inheritaūce, after the custome of ỳ same maner, yet haue thei no fēāke tenemēt, bycause of ỳ cōmē law, & therfore they be called tenauntes of base nature. We semeth it were necessary & conueniēt to shew diuersitȝ, how coppyes shulde be made, for feare lest euery mā ỳ taketh vpō hī to kepe a court, hath not perfitly ỳ experyence therof as here after ensueth.

¶ First of surrendres of landes holdē by ỳ yere.

HE shall take a yerde in his hande by the ende & delyuer the Stewarde the other ende in hys hande, and say to the Stewarde Here I. A. B. do yelde vp or surrendre my landes called D. the whiche I holde of this lordshyppe at the Lordes wyll, after the custome of thys maner, to the behoue of Iohn Browne and his heyres.

¶ How the Stewardes shal delyuer seasō.

THe Stewarde shall delyuer hym an ende of the yarde in his hande ỳ shall haue this land and he shall say thus to hym. My lorde graunteth you seasō of this lande that was A. B. the whiche ye take here in the courte to you & to your heyres, to holde at my Lordes wyll, after the custome of this maner, & than he shall be sworne. &c

¶ The maner of the othe of the tenaunte.

I Shall beare faythe and trouthe to my Lorde of thys maner, as for the landes and tenementes that I haue taken of hym, and truely do and pay the sutees, customes, rentes, and seruyces that long

geth

gethe therto, as for the terme that I shall occupye it. So helpe me god. &c. and kysse the boke, and ley downe one peny as the custome is.

¶ Howe the copie shulde be made of landes holden by the yerde.

AD hanc curiam dominus concessit extra manus suas per. I. F. capitale Seneschallū suū T. B. et M. vxori eius vnam messuagium & sex acras terre cum pertinētiis, iacētes apud. B. quibus dominus per senescallum suum concessit seisinam habendum sibi et heredibus suis de domino per virgam ad voluntatem domini secundum consuetudinem manerii, et dant Domino de fine pro ingressu inde habendum, prout patet in capite et fecit dño fidelitatē, et admissus est inde tenēs

¶ Another forme for certayne rente, for all maner of seruyce.

AD hanc curiam dominus concessit per. I. F. Seneschallum suum T. B. et M. vxori sui vnū messuagium sex acras, terre .il. acras prati, et vnam acram bosci cum pertinentiis prefatis T. et M. heredibus, et assignatis suis ad voluntatē domini secundum consuetudinem manerii, reddē inde annuatim domino, in heredibus suis, vel successoribus suis, si dominus sit religiosus. v. s. vi. d. pro omnibus et singulis seruicijs ad duos anni terminos videlicet. &c. equis portionibus, et dant domino de fine. &c. et fecit fidelitatem.

The commen course is not to put in certyanty all theyr rentes, customes, and seruyces, in theyr copyes, and that is in auncyent demeyne, and in all places where the tenauntes haue theyr landes by coppye to them and theyr heyres, after the custome of the maner, for there they haue or ought

to

to haue a customary role, wherin is euery mans lande contetcyned, and what rente, customes, and seruyces euery man ought to paye and do, and in many places, theyr lawes and theyr customes bee put in wrytynge, and remayne in theyr owne keepynge to put them in a redynesse, whan nede shal requyre, but and there shalbe made any newe incrochementes, or intackes, inclosed or taken oute of the commens, or any myne newe found, as lead or tyn, cole pyron, stone, or suche other, yf a coppe shall be made therof, it is necessarye and conuenient the rent therof to be put in theyr copy, for it is a newe thyng, that hath nat gone by custome, and also it wolde be put in the customary role, for this newe approuemente maye fortune to encrease of rente or decrease in rente, and therfore the rentes must alway be expressed. Also where a man hathe a lordeshyp, wherin be many tenauntes that hold theyr landes of theyr lorde by copy of court rolle, for terme of yeres, or for terme of lyfe, where they haue state of inherytaunce. In all suche coppes, it is conuenyent, that the rentes be expressed in the same coppes, causa patet.

A recognyeyon of a tenaunt, what he holdeth of the lorde.

AD hanc curiam venit R. T. coram, S. E. seneschallo huius manerii, & cognouit se tenere de dño vnum messuagium, decem acras terre, tres acras prati cum pertinētis in L. vocatē L. libere per cartam in socagio per reddituz, xii. d, vel vnā libram piperis, et sectam curiē bis per annum. Et etiam dictus R. T. cognouit se tenere de Domino alium messuagium cum crofto adiacente, & sex acras terre, et duas acras prati cum pertinentiis

ad voluntatem domini secundum consuetudinem manerii, et p̄ redditū duozum solidozum, et fecit fidelitatem, et admissus est tenens.

¶ The fourme of a copy in auncyent demeyne where the p̄oclemacyon shuld be had.

¶ Ad hanc curiam tentam ibidem tali die et anno ꝛc. venit A.B. filius et heres J.B. et sursum reddit in manus dñi vnum messuagiū .x. acras terre tres acram p̄ati cum vno crofto in D. infra iures dictionem huius curie ad opus E.F. heredem et assign̄ suozum imperpetum virtute barganie inter eos factur. Et super hoc publica p̄oclamatio in eadē curia facta fuit, p̄ si quis aliquod ius siue titulum ad eadem messuagiū terre p̄ati et crofto, vel in aliqua eozū p̄cella p̄tēdere voluit, veniat et audiretur, et nullus venit ad hāc curiam, p̄ quod secundē cōsuetudinem manerii messuagium p̄dicter terras p̄ata et crofto p̄edicter remanerent in manus domini vsq̄ ad tertiam p̄oclamacio sup̄ eosdem facter, et super hoc dies datus est p̄tibus p̄dicter essēdi ad p̄oximam curiā manerii p̄dicti, ad audiendum inde ius suum super p̄missis. Et ad hanc curiam tenter ibidem tali die ꝛc, tam p̄dictus A.B. q̄ p̄dicter E.F. venire, et super hoc secunda p̄clamacio facter fuit super p̄emissis, p̄ si aliquis aliquod ius, vel titulum ad p̄dicti messu. terre p̄ata. ꝛc. haberet aut p̄tēderet, veniret et audireter. Et nullus venit et super hoc dies datus est p̄tibus p̄dictis essēdi ad p̄oximā curiam manerii p̄dicti ad audiendum inde iudiciū suum. Et ad hanc curiam tēter ibidem tali die. ꝛc tam p̄dicter A.B, quā p̄dictus E.F. venire, et sup̄ hoc tercia p̄oclamacio facta fuit sup̄ p̄missis. quod si aliquis aliquod ius, vell titulū ad p̄dicta messuagium, terre p̄ati et crofto, vel in aliqua eo

orum ꝑcella haberet, vell ꝑtenderet, veniret et audire et nullus adhur venit. Et super hoc dominus per J. G. Senescallum suum concessit seisinā de predicto messuagio, terris, pratis, et croftis, cū eorum pertinentiis, prefato E. F. tenendum sibi heredibus, et assignatis suis secundum cōsuetudinē manerii predicti, et dño de fine ad ingressum. ꝛc. et admissus ē inde tenēs et fecit fidelitaty.

¶ The fourme of a copye in auncyente demeyne, where the wyfe shalbe examyned. Dale,

☞ Ad hanc curiam tētam ibidē tali die an, ꝛc. T. B de N, ꝛ M. vxor eius hic in plena curia sol. examinater ꝛ cōfessi sursum reddiderūt in manus domini vnum messuagium et domidiam bonatam terram, ac vnam quatronam terre cum suis pertinentiis in N. predicta vocē D. ad opus W. C. de O. vnde accidit domino vnum equum de heriotto et super hoc venit dictus W, C, et cepit de domino dicti messuag. ꝛc. cum suis pertinentiis habendum et tenedum sibi et Anne vxori sue et heredibus et assignatis ipsius W, imperpetuum secūdum consuetudinem manerii, per reddendum consuetudinem, et seruicium inde prius debiter et consueter, et dant domino de fine pro ingressu habendum dicti messi et ceteris premissis, ꝛc, et data eis seisinam, fecerunt fideliter.

¶ Another fourme for terme of lyfe

AD hanc curiā, ꝛc. venit J. D. et J vxor eius ipsa sola examinata coram Senescallo, ꝛ sursum reddiderunt in manus dñi vnum tenementuꝫ cum pertinentiis in A. iacē inter tenementum J B. ex parte orientū ꝛ tenementum C. D. ex parte occidenti et abbuttat super altam viam expartie australi et super gardinum E. F. ex parte boriali ad

opus. G. H. et J. vxoris eius ad terminum vite eorum et alterius eorum diutius viuētis secundum consuetudinem manerii, et dant domino de fine. ꝛc. et fecerunt fidelitatem.

¶ Another fourme vpon condicion.

AD hanc curiam. ꝛc. venit J. C. et sursum reddidit in manus dñi vnum cotagium iacentē ꝛc. ad opus J. D. ꝛc. tenendum sibi et heredē suis de domino ad voluntatem Domini secundum. ꝛc, sub condicionibus subsequentibus, videlicet si predicter J. D. soluat aut solui faciat prefater. J C. xl. s. ad festē vicz. ꝛc. proximo futuro post data huius curie, ꝙ tunc presēs sursum redditer sit suo robore et effectu, et si christe defecerit in solutione lutionum predicter in parte vel in toto, quidē extunc bene licebit prefatem. J. C, ꝛ assignatis suis reintare et rehabere predictum cotagium, ista sursū reddirem non obstāte in aliquo, et dat domino de fine. ꝛc, et fecit fidelitatem. ꝛc. et admissus est. ꝛc

¶ Another maner of surrendre made to the bayly out of the courte,

AD hanc curiā. ꝛc, cōpertū est quidē. T, C. extra curiā sursū reddidit in manus J. D. balliui in presencia D. R. et aliorum tenentiū domini huius manerii hoc testante vnam acram terre in G quondā W. B. ad opus. ꝛc. cur dominus inde concessit sesinem tenendum sibi et heredibus. ꝛc. de seruicem. ꝛc. et. dat. ꝛc.

¶ Another fourme, where the lorde graunteth a copy of his specyall graunte

¶ Ad hanc curiā apud D tenter ibidem tali die ꝛ an. ꝛc. preceptū fuit balliuo seisirem in manu domini vnū tenementū siue messuagium cū pertiñ. J. B. vocē E. eo ꝙ ipse alienauerit, et vēdidit die

tum

cum tenementum cuidam J.T. sine licencia domini, & inde respondebit domino de reittibus quousqꝫ &c. et quod in ista eadem curia dominus ex sua gracia speciali concessit dictum tenementum cum pertinentiis prefato J.B. cui dominus inde concessit seisinam habendam sibi et heredibus. &c. de domino ad volūtatē secundū. &c. & dat. &c. & fecit. &c.

¶ Another maner for terme of yeres, where the lorde shal kepe reparacyon.

AD hanc curiam dominus per J.F. seneschallum suum cōcessit J.E. vnum messuagium cū domibus superastātibus et diuersas terras prata pascuas et pasturas cum sepibus fossater, & omnibus aliis suis pertiñ vocem. R. habendū et tenendem sibi assignā suis a festo sancti Michaelis archangeli proximo futuro post dater huius cuter vsqꝫ ad finem et terminum quadzaginta annozum, & tunc proximo sequentum et plenarie complendozū, redd dem inde annuitim. &c. s. ad duos anni terminos videlicet. &c. per equales porciōñ Prouiso semper quidem durāte termino predicto predicter dominus inuenient mereminium totiens necessarium fuerit dicto tenēto ad emendandem reperandum & sustinedū et dat dño de fine. &c. et fecit fidelitatē. &c.

¶ Another maner, where a man pretendeth a tytle, and after releseth in the court.

AD hanc curiam tenter. &c. cōperter est, quidē cum dñs per. J.F. senescallū suū, ad curiam tenter apud. L. tali die et an. &c cōcessit extra manus dñi R.B. et herlā suis vnam petiam terre cōtinentem circa tres acras terr sine plus sive minus habearā quōdam T.J. in. R iacentem inter terrē D.M. ex parte australi et terram R.D. &c. habēdū, &c. ad voluntatē domini secōdū. &c. et po-

stea venit quedā Alicia Gate corā p̄fato J. F. sen escallo dn̄i et pretēdit habere titulū in p̄dicter pecia terre, et hinc p̄sēs in curia remisit et relarauit et imperpetuū quietū clamauit p̄fato A. B. et heredem suis per licentiam domini totum ius suum et clameum, que habet, vell habuit. vel in futuro habere poterit in predicta pecia terre, et in qualibet inde percella. Ita viz ꝙ ipsa Alicia nec heredē sui, nec aliquis alius nomine eorum aliquod ius, vel clameū in predicta pecia terre de cetero exigere, vel vendicare poterit, sed ab actione iuris vel clamei sīt exclusi ꝑ p̄sētes, ⁊ dat dn̄o. ⁊c. et fecit. ⁊c

¶ Another fourme, where the heyre is admytted to his lande, after the death of hys father.

AD hanc curiam tenter. ⁊c cōpertum est quod. J. B. obiit seisitus post vltimam curiam, qui de domino tenuit sibi et heredibus suis vnam peciam terre voc. C. et inde obiit seisitus, ⁊ dicūt ꝙ R. B. filius eius est proximus heres, et plene eatatis vel infra etatem vicz. xii. annorum et in custodia T. M. vel. S. B, frater eius, vel cōsanguineus eius est proximus heres eiusdem J. B. et plene etatis, et presens hic in curia petit admitti, et admissus est inde tenens, tenendum sibi et heredibus suis de Domino ad voluntatem Domini secundum consuetudinem. ⁊c. et dat. ⁊c. et fecit. ⁊c.

¶ Another fourme of landes tayled wyth a remayndre ouer.

AD hanc curiam compertum est, quod R. B. de A. ad curiam tenter aput E. tali die et anno. ⁊c. sursum reddidit in manus domini vnum tenementum et tres acras terre voc. C. ad opus. R. C filii eiusdem. R. et A. vxorem eius quibus dominus cōcessit seisinā, Tenendū sibi et heredibus de

corporibus

corporibus eorum legittime procreater Et si predictus R. et A. vxor eius sine herediã de corporibus eorum legittime procreater obierint, quod tunc predicta terra et tenementa cum suis pertinentiis remaneãt recter herim ipsius R. B. Et modo curia ista informaretur ꝑ totũ homagium quod predictus R. et A. obierunt sine herede inter eos procreater et predictus R. B. similiter et sup hoc venit. J. B. frater et heres p̃dicti R. B. et petit admitti. et admissus est tenens. ꝛc. et per licenciam domini prefatus J. B. concessit predictum tenementum et terras, que ei remaneant post mortem predictorũ R. B. et R. C. et A. vxori eius, remanere. M. C. et heredibus suis, cui dominus inde concessit seisinam tenendum ad voluntatem domini secundum ꝛc. et dat. ꝛc. et fecit. ꝛc.

¶ Another maner for terme of lyfe, wyth dyuers remayndres ouer.

AD hanc curiam venit. R. B. et sursum redidit in manibus dñi vnum messuagium, ꝛ octo acras terre customariã voc A. vt dominus faciet inde voluntatem suam, et dominus inde habetur seisinam. Et ex gratia sua specialli reconcessit predictum messuagium et terrem prefato. R. D. et J. vxor eius durante vita eorum, ita quod post eorum decessum dictum tenementum et terra remaneant B vxori A. durante vita sua, et post decessum ipsius B. predicter terre et tenemẽta remaneant rectis heredibus ipsius R. B. imperpetuum tenendũ eisdem R. B. et J. vxori eius durante tota vita eorum per virgam ad voluntatem domini secundũ ꝛc. in forma p̃dicta, saluo iuriam cuiuslibet, ꝛc. et predicti R. et J. dant domino de fine. ꝛc. et fecerũt fidelitatem. ꝛc.

¶ A surēdre out of the Courte, and a remayndre wyth a condycyon.

¶ Ad hanc curiam compertum est, quod R. F. lā guēs in extremis sursum reddit in manibus B. R extra curiam per manus J. H. in presētia A C. et B. D. ternentur huius maneri hoc testante vnū messuagium cum pertinentiis. ꝛc. ad opus. A. vrorem predicter R. F. tenendum sibi per seruiciam inde debitam secundum consuetudinem manerii ꝑ termino vite sue, ita quod post mortem dicte. A. p̄dictum messuagium remaneat J. filio predicto. R ꝛ A. et heredem de corpore suo legittime procreatur Et si contingat J. obieriam siue heredibus de corpore suo lagitime procreariam quod tunc p̄dicter messuagium remañ R. filio prodicto R. et A. et heredē de corpore suo legittime procreater Et si contingat predicter R. obiere. ꝛc. quod tunc predictū messuagium per executores vtrumq; eorum diutius viuenter vendater, et denarios inde recepter et prouenienter pro animabus parentum suorū et eorum in piis vsibus, et operibus caritatiuis in missis celebrādis et elemosinis distribuēdis, prout melius eis viderint expedire pro animabus antecessorū et predecessorum suorum, quibus Dominus inde concessit sersinam tenendū in forma predicta ad voluntatem domini secundum consuetudinem manerii, et dant domino de fine. ꝛc. ꝛ fecit fidelitatem. Et nota ꝙ si vnus eorum obiit, ꝛ heres eius sit infra etatem, fidelitas respectuatur quousq; ad etatem veniat.

¶ A supplicacyon to be exempt from all maner inquistes and iuryes within the lordschyppe.

¶ Ad hanc curiam venit R. C. instantur supplicando prout ipse per plurima tempora transacta supplica-

supplicauit, Et profert domino finem annualem nomine exemptionis, vt ipsa ex sua gratia speciali et fauore ob causam senectutis infirmitatis et debilitatis sue possit exonerare de cetero, ab omnibus te singulis inquisionibus iuramentis ⁊ officē quosumcumque tam in hac villa qui alibi infra dñium domini sibi obiciēdū et assignādū, qua propter aspecta vero senectute, vna cum infirmitate et debilitate sua sub fine annuali nomine exemtionis inde prolate ac suggestione eius per tenentes et uisus q̄ ipsum veracitur congrua testificata in premissis. Modo dominus consessit in ista curta per J. F. senescellum suum prefato R. C. huiusmodi licencem fauorē et exemptionem ad terminum vite sue durātur, ⁊ predictur R. C dat domino de annuali redditu per soluendū annuatim. iiii d. ad terminos vsuales.

¶ Ad hanc curiam venit J. S. et dat domino de fine ꝑ secta curiā respectādā ꝑ vnū ānuz vt patit

¶ Ad hanc curiam venit J. S. natiuus domini huius manerii, et petit licenciam ad maritandum filiam suā infra dñium istud vell extra, ⁊ dñs per W. C Senescallum suū cōcesset licenciā, ⁊ dat ⁊c

Memorandum that there is no maner of estat made offre lande by polle dede or dede indented, but lyke estates may be made by copy of copy landes, if they be wel made and entred in the court rolles And the Stewarde is bouud by lawe and conscience to be an indifferent iudge bytwene the lord and his tenauntes, and to enter theyr copies truely in the lordes courte rolles, the whyche is a regester to the lorde to knowe his presydence, customes, and seruyces, and also a great suretye to the tenauntes, that ⁊ theyr copyes were loste, they

may vouche and resorte to the lordes courte rolles and the stewarde maye make them newe copyes, accordynge to the olde precident in ꝑ lordes court rolle, lyke as at the commen law, whan a mater in varyaunce bytwene two men is past by verdyt and iugement gyuen therof, and entred in the kynges recordes, there it resteth of recorde and also yf a dede or a patent be inrolled, there it remaynethe in lyke maner, so that yf any partie wyll haue any copy therof, they may sue to ꝑ Iudges & the officers of the place where the recorde lyeth, and haue a copy therof exemplyfyed vnder the seale of office of ꝑ same place, where suche recorde lyeth, & maye plede ꝑ same recorde i euery court the kīg hathe, & the lordes stewarde may do in lyke maer. &c.

¶ The othe of all maner of officers generally.

TO whome the Stewarde shall saye, ley thy hande vpon the boke, & saye after me. I shall true cōstable be, true thyrdborowe, true reue, true franke pledge, true tithingman, true ale taster, true wodewarde, and true pynder, & wyth suche other officers that be vsed to be sworne in the Lordes courte, and true presentemente make, and truelye and duely do and kepe all thynges that belongeth to myne office to do. So helpe me God and my holydome, and kysse the boke.

¶ The othe of a Denyson.

I Shall true lyege man be, and true fayth beare to kynge Edward that now is, & to his heyres and no treson do, nor there vnto assente, nor no thefte do, nor no theues felowe be, nor any of them to know. But that I shal enforme & do to wit the ꝑ be ꝑ kynges officers therof, ꝑ haue the lawe to gouerne, & I shalbe buxome & obedyēt to iustyces

commyssioners

cõmissioners, cheryffes, Eschetours, baylyffes, and cõstables, & to all other offycers of the kynges, in all thynges ꝑ they commaunde me to do lawefully So helpe me God and holydome.

¶ The othe of a ferour.

I Shall truely affere thys courte, and hyghe no man for no hate, ne lowe no man for loue, but to set euery man truly after the quantyte of hys trespas to my knowledge, sauynge to a gẽtilman his coũtenaũce & his hoseholde, a marchaunt hys marchaundyse a husbande his tenyre & his werke beastes, to his ploughe. So helpe me God. &c.

¶ This artycle gothe further. Et quantum reddant per annum de redditer assise. And how much they yelde by the yere of rent of assyse. And fyrste ye shall knowe, that there be thre maner of rentes that is to say, rent Seruyce, reute Charge, & rents Secke, Rente seruyce, is where a man holdeth his landes of his lorde by fealtye and certayne rente, or by homage, fealtye, and certaine rent, or by ani other seruyce and certayne rente. This is a rente seruyce, & yf the rente be behynde at any daye that it ought to be payde at, the lorde may distraine for that reute of commen ryghe, and yf the lorde purchase percell of the sayd lande that the rente goth out of, the rent shalbe appoyntyoned, excepte it be an entyre rente, as a sparhauke, or a horse, or such other that can nat be serued, for than the rente is extyncte and gone for euer, &c. Rente Charge is where a man is seased of lande in fee, and graunteth by poole, dede, or by dede endented an annuel rente going out of the same landes in fee or in Fee tayle, or for terme of lyfe wyth a clause of distresse that is a rent charge, & the graunte may distrayne

for

foz the same rent, bicause of the clause of distresse But yf the graunt purchase parcell of the sayde landes, wherof the sayde rent goth out, ỹ hole rẽt charge is extinct and gone foz euer. Foz such a rẽt charge may not be appozcyoned, bycause the landes come to his owne possession by hys owne acte oz dede. Rent secke, is where a man seased of landes in fee graunteth a rent going out of the same without a clause of distresse, that is a rente secke and it is called a rent Secke, bycause there is no distresse inident noz belongyng to the same. Also yf a man by dede indented make a feoffemente in fee oz in Fee tayle the remaynoze ouer in fee oz foz terme of lyfe remaynder ouer in fee, reseruing to him certayne rente without any clause of dystresse in the same, that is a rent Secke, and yf the graunte were neuer seased of the sayde rent, he is without remaynder by course of the cõmen lawe. There is another maner of rente, that is neyther rent seruice, rent Charge, noz rent Secke, and ỹ is called rent Annuell. And that is, where as a man graunteth by his dede, an annuitie of. xx, s. be it moze oz lesse, and chargeth no lande with the payment of the same. That is a rent Annuel, and it chargeth the persone that graunteth the sayde rente by a wzytte of Annuitie, and in some cause a rent Charge may become an Annuell rent, as and a man graunt a rent charge out of his land with a clause of distresse, the graunt is a lybertye, whether he wyll distreyne foz the rente, oz sue a wzitte of Annuitie agaynst the graunter. And yf he sue his wzitte of Annuitie, the lande is discharged of anye distresse, and therfoze the grauntour maye make a pzouision in hys graunte. s. pzouiso semper

per

per quod presens scriptum nec aliquid in eo specificatum non aliqualiter se extendat ad onerandam personam meam p breue, vel actionem de annuitate, sed tantum modo ad onerandem terras, & tenta predem de annuali reddē predicter. And this puise had, ẏ lādes be charged and ẏ persō discharged.

¶ Of those free tenauntes that sue to the courte of the Countye, & who seweth nat, and how much falleth to the lorde after the decease of such tenaūtes. Capi. xii.

Item inquirendum est de predictis libere tenētibus, et qui sequuntur ad curiam ad com̄ in commitatu, & qui non, et quantum accidit dn̄o post mortem talium liberorum tenentium. It is to be enquered of the foresayde free tenauntes, whiche of them shal folowe the courte of the countye, and which nat, and what shall fall vnto the lorde, after the deathe of suche free tenauntes. Me semeth that all maner suche tenauntes that holde theyr landes by such seruyce hauynge charter lād ought to folowe the courte of the countye, yf he be sommoned to appere, excepte he haue a specyall graunte by chartour of the kynge to the cōtrary, and to be sworne in inquerees before the Justice of peace, Justice of the Assyse, excheters, coroners and all cōmissyoners of the kynges, and bytwene partie & partye, as the lawe hath ordeyned it, how be it in some case he shal dispende & haue more landes than in some case, that is to say, if the domage in plee personell, as Dete, Trespas Detinue, and suche other, be declared vnder ẏ value of. xl. m̄kes thā a freholder ẏ hath any charter land, be it more or lesse, may passe betwene partie & partie And also he is suffycient to enquere for the kyng in euerī

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byll of inditteminte of felony, & so is euery constable and freeman, thoughe he haue no lande. But there shall no Constable nor freholder enquere of eyot, nor forcyble entres, without he may dispende xl.s. clerely. And therfore se the statute of kynge Ri. the. ii. and kyng H. the. 7. And also where the domages in ple personel be declared. xl. markes or aboue, the freholder muste haue landes to the clere value of. xl. s. And euery man that shall passe of lyfe and deathe and for tytell of lande, be it neuer so lytell, he must haue landes vnto the value of. xl. s. clerely, aboue all charges. And in attaynte yf the thynge in demaunde and verdyte vpon that gyuen, extende to the value of forteye. li. or aboue. That euery man of the graunde Iurie, must haue landes to the value of. xx. li. of freholde, out of aũcyent demeyne, & of landes in Gauelkynde, xx. li. and yf it be vnder the value of. xl. li. than. xl. s. of freholde is suffycyent. The statute reherseth further. Quod et quantum accidit domino post mortem talium libere tenentum. What and howe muche falleth to the lorde, after the deathe of such free tenauntes. That is and maye be, dyuers maners of rentes, customes, and seruyces, As and a tenaunt holde of the lorde by knyghtes seruyce decesse, his heyre beynge of full age, the Lorde shall haue for euery knyghtes fee that the tenaunt holdeth of the Lorde. C. s. of his heyre in the name of relefe. For the whiche the lorde maye distreyne in euery parcell of that lande, that is so holden of hym for the same of commen ryght. And yf it be vnder a hole knyghtes fee, as halfe a knyghtes fee the thyrde parte, or fourthe parte, or the. xx. parte, more or lesse, the relefe shall be oppoꝛcyonate, accoꝛding

cordynge to the same, and shall paye his chefe rentes (yf any be) neuer the les. And yf the tenaũt decesse, his heyre beynge within age of. xxi. yeres, ẏ lorde shall haue the warde and the kepynge of the body, durynge his nonage, and yf he be vnmaryed than his maryage to gyue or sell to whome he wil withoute dispargemente, and whan he commeth to full age, he shal paye no relefe, and yf he be maryed, and vnder the age of. xiiii. yeres, he maye refuse and disagre, but how the garden or his commyte or graunte shall tende, and offer marynge to the warde, and yf the warde refuse the offre, or yf the warde be rauyfshed, and of wardes bycause of wardes, and of dispargemẽtes of wardes and disagremente after maryage, and of waste done by the garden, or his commit or graunte, with mo artycles parteynynge to the same I remyt all those poyntes to men of law, that haue knowledge and experyence therof, for it touchethe nat my mater that I treate of. And yf the tenaunte haue yssue female, aboue the age of. xiiii. yere, be she maryed or nat maryed, the lorde shall nat haue the warde ne the maryage, bycause the lawe entendeth, that she hath a husbande or maye haue at that age, able to do suche seruyce. But and the heyre female be vnder the age of. xiiii. yeres vnmaried, the lord shall haue bothe the landes holden of hym and the maryage, tyl she come to the age of. xxiiii. yere, and two yere further to tende her maryage in, yf she be vnmaryed. And at the two yeres ende, she may enter into her landes, and put out her garden, and to mary at her pleasure, but and she be maryed before the age of. xiiii. yeres in the lyfe of her auncester, ⁊ than her auncester dye, the lorde shall haue ẏ

warde

warde of the lande of the age of. xiiii. yeres, and her husbande and the maye enter and put out the Lorde, and yf the tenaunte holde of two lordes by knyghtes seruyce, of one by yyoryte, and of an other by posteryoryte, and dye, the lorde that the tenant holdeth of by yyoryte, shall haue the warde of ỳ body, be it heyre male or heyre female, thoughe there be. iii. or. iiii. doughters, for all they are but one heyre to the landes, that be holden of hym.
And the other lorde, of whome the landes be holden of by posteryorite, shall haue those landes holden of hym selfe, and nothynge els. And yf the tenaunt holde landes of one lorde by knyghtes seruyce, and also holde landes of another lorde by socage, and dye (hys heyres beynge wythin age) the lord, of whome the landes be holden of by knyghtes seruice, shal haue the ward and mariage of the heyre, and the landes holden of hym, but he shall nat haue the landes holden in Socage, nor ỳ lorde of whome they be holden of nother. For those landes holden in socage durynge the nonage, shall go to the nexte of the blonde, to whome the inheritaunce maye nat descende, wherof he shall make accompte to the heyre whan he commethe to full age. &c. And yf the heyre be of full age at the decesse of his auncestre, he shall pay a relefe to euery lord that he holdeth any lande of, yf relefe be due to be payde, by reason of this tenure. But in case that a tenaunt holde dyuers manours of dyuers lordes by knyghtes seruice, and haue but one parcel of lande holden of the kynge in capite, the kyng shall haue all the hole landes holden of euerye lorde durynge the nonage, and the maryage of the heyre yf he be vnmaryed, and yf the heyre be vnder the

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age of.xliii.yere, and wyl dysagre to the maryage than the kynge shall haue the maryage of hym or her, or the value therof, and the kynge shall paye no chefe rente durynge the nonage, excepte it be founde due to be payde in the offyce of the exchequre, and many other thynges maye falle to the lordes, as heryottes, and other customes accordynge to theyr ordynall dedes, and vse of the maner. And ye shall understande, that therbe two maner of heryottes, that is to wete, herryot seruice and herryotte custome. Herryotte seruyce is where a man hath gyuen landes and tenementes to another manne and to hys heyres, to holde of hym and of hys heyres, as before the makynge of the Statute. Quia emptores terrarum or sythe ye makyng of the sayde Statute, to hold of the chefe Lorde of the fee, by the seruyce therof due and of ryght accustomed, reseruing to hym certayne rentes, herryottes or any other custome.

This is rente seruyce and heryot seruyce, because it is expressed in hys ordynall dede. Heriotte custome, is where a man hathe a lordeshyppe, where in hath bene vsed tyme out of mynde, that euerye tenaunte, that holdeth any mese place of the lorde shall geue hys beste quycke good in the name of a herryotte to the lorde, and he that hathe no quicke good, shall gene his beste deade good. And in some place the tenaunt shall gyue for euerye mese place that he holdeth a heryotte, thoughe the houses were lette downe an hundred yere before, the whiche me semeth shulde be a greate bribery and extorcyon, as I sayde in the prologue of this treatyse. And therfore it is wysdome for euerye man to take hys house by indenture or by coppye, wher-

in may be expressed, what rentes, herryottes, cu-
stomes, and seruyces, the tenaunt shall paye and
do, for a lorde may abyrdge and make lesse hys cu-
stome by wrytynge, for thoughe he make wrytinge
and specyfye what rent he shall paye, he must saye
further, for al maner rentes, herryottes, customes
and seruyces. And in some lordeshyppe, euery man
that dyeth within the same, be he the Lordes te-
naunte or nat, shal paye an herryotte. In so much
that yf a straunge man do ryde or goo by the way
and dye within such a lordeshyppe, he shall paye
an herryotte, the whyche is playne extorcyon and
agaynst the commen ryght. For betwene the lorde
and hym that dyed was none other priuite of bar
gayne or couenaunt. And in some lordeshyppe, the
Lorde shall take the herryot before the persone or
the vycare hys mortuarye, and in some places the
churche before. And that is, as it hath ben accusto
med and vsed tyme out of mynd. But for the most
parte the Lorde taketh before, because the Lorde
maketh couenaunte with hys tenaunte in his life
that he shall haue his beste quycke good at his de-
cesse. and the mortuary it nat due tyl he be deade
and the herryotte was couenaunted and graun-
ted before in hys lyfe, and the fyrst bargayne must
be obserued and kepte. And also in some places it
is parted betwene the churche and the lorde, and
that is, where he that is dead hath nomore quycke
good, but one horse or one beaste. and than he that
hathe bene vsed to those fyrste shall haue the bet-
ter part by one peny, but of dead good, eyther par
tye shal haue one. But there shall nouther of the
take any dead good, as lõge as there is any quick
goodes

goodes, and in many lordships it is vsed, that and the tenaũt leaue his house by his owne wyll with out any discharge of the lorde, the tenaunte shall pay his beste quicke good to the lorde in the name of an herryot, and in some lordshyppes it is accustomed, that and the tenaunt depart fro the lordeshyp by hys owne wyll, he shall make a fyne with the lorde for his departyng, and mooste commenly it is .li.s. and it is called a farefre or a farewel. And such a tenaunte that gothe at his ownewyll shall make all maner of reparacions, and that tenaunte that is discharged by the Lorde or by hys offycers, shall make no reparocyons, except he be discharged for nat doyng reparacyon. &c.

¶ How manye customary tenauntes ther be, and howe much landes euery of them holdeth & what worckes and customes they do, and what the worckes and customes of euery tenaunte is worthe by ỹ yere, and how much euery of thẽ payeth ouer ỹ customes and worckes. &c. Capi. xiii.

ITem inquirendum est de customariis videlicet quod sunt customarii, et quantũ terre quilibet customarius tenet, quas operationes & quas consuetudines facit, & quantũ valent per opera & consuetudines cuiuslibet customarii per se per annum, & quantum redditum de redditu Assise per annum pzeter opera & cõsuetudines, & qui possũt talliari ad volantatem domini, & qui non.

It is to be enquered of customari tenauntes, that is to wyte, how many there be, and howe muche lande euery tenaunt holdeth, and what worckes & customes he doth, and what the worckes and customes be worthe of euery tenaunte by it silf, and

howe muche rente by the yere, aboue hys wozkes and cuſtomes, he dothe paye, and whiche of them maye tare theyz landes at the wyll of the Lozde, and whiche nat. Cuſtomarye tenauntes are thoſe that holde theyz lande of theyz lozde by copye of courte role, after the cuſtome of the mance, And there may be many tenaũtes within the ſame maner, that haue no coppyes, and yet holde by lyke cuſtome and ſeruyce at the wyll of the lozde. And in myne opynion, it began ſone after the conqueſt whan Wylliam Conqueroure had conquered the Realme, he rewarded all thoſe that came wyth hym in hys vyage royall, accozdynge to theyz degree. And to honozable men he gaue lozdſhippes maners, landes, and tenementes, wyth all the inhabytauntes, men and women dwellynge in the ſame, to do wyth them at theyz pleaſure. And thoſe honozable men thought, that they muſt nedes haue ſeruauntes and tenauntes, and theyze landes occuppyed wyth tyllage, wherfoze they pardoned the inhabytauntes of theyz lyues, & cauſed them to do all maner of ſeruyce, that was to be done, were it neuer ſo vyle, and cauſed them to occuppye theyz landes and tenementes in tyllage, and toke of them ſuche rentes, cuſtomes, and ſeruyces, as it pleaſed them to haue. And alſo toke all theyz goodes an catell at all tymes at theyz pleaſures, and called them theyz bondemen, and ſythe that tyme many noble men both ſpyzytuall and tempozall of theyz godlye diſpoſicyon, haue made to dyuers of the ſayde bondemen manumiſſyons, and graunted them fredome and lybertye, and ſette to them theyz landes and tenementes to occuppye, after dyuers maner of rentes, cuſtomes,

and

and ſeruyces, the whiche is vſed in dyuers places vnto this daye. Howebeit in ſome places ꝑ bonde men contynewe as yet, the whyche me ſemeth is the greateſte inconuenyence that now is ſuffered by the lawe. That is to haue any criſten man bou̇den to another, and to haue the rule of hys body. landes, and goodes that his wyfe, chyldren, & ſeruauntes haue labourd for al their life tyme, to be ſo taken lyke as & it were extorciō or bribery. And many tymes by colour therof. there be manye frees men taken as bōdmen, and theyr landes & goodes taken from them, ſo that they ſhall nat be able to ſue for remedye, to proue them ſelfe free of blode. And that is moſte comenlye. where the free men haue the ſame name as the bonde men haue, or that his auncеſters, of whome he is commen, was manumyſed before his byrthe. In ſuche caſe there cannat be to great a punyſchement. For as me ſe meth, there ſhoulde no man be bonde but to God, and to hys king and prynce ouer hym. Quia deus non facit exceptionem perſonarum. For god ma keth no exceptiō of ani perſon. Wherfore it were a charytable dede, to euery noble man both ſpiry tuall and tempozall, to do as they wolde be done by, and that is to manumyſe them that be bonde and to make them free of bodye and bloude, reſer uinge to them theyr rentes, cuſtomed. wherin they may get the prayers of the partye, and remyſſyon of theyr offences as in the Goſpell Eadem men ſura. qua metimini fueritis, metietur vobis. The ſame meaſure that ye do mete to other men, ſhall be metten to you. In manye lordſhypps there is acuſtomarye rule bytwene the Lordes and his ſer

nauntes, and it ought to be indented. one parte to remayne in the lordes kepynge, the other part with the tenauntes, and dyuers true coppes to be made of the same that the rentes and customes ronne nat out of remembraunce. And also a suyte role, to cal al those by name, that oweth any suyte to the lordes courte, and than shall there be no conselemente of the suttoures, but that the Stewarde maye knowe who is nat there, and yf any Stewarde decesse, the name of hys nexte heyre wolde be entred in to the same rolle, and an enquery made and presented. what he helde of the lorde, and by what rentes, customes, and seruyces of euery parcell by it selfe, and who is his nexte heyre, and of what age he is of, & this truly done and entred into the rolle, it wolde be a conueyaunce of discent in maner of a petty degre, and profytable to the lordes, and also to the tenauntes causa patet. The name of euery tenaunt must be put in the rolle, & his mese place to be butted and bounded, and it lyeth in lengthe and brede, and by twene whome. And also his landes, medowes, leys, and pastures lykewyse butted and bounded that it maye be knowen many yeres after, who dwelled there, and what landes, medowes, & pastures laye to the same at that tyme. And what worckes and customes the tenaunte doth for euery parcel, & what the worckes and customes be worth in a yere, and how much rente the tenaunt dothe paye for euery parcell, beside the customes and worckes, to the entente, that yf any parcell of land medowe, or pasture be alyened, solde, or chaunged or put from one tenaunte to another. The Lorde and his baylyffe may know what rentes, custo-

mes

mes, and workes he shall aske and haue of the occupyer for euery parcell. And it is the moste specyal poynte that longeth to a Surueyoure, to butte and bouude truely euery parcell by it selfe, and to knowe what rentes, workes, and customes, and seruyces, goeth out of the same for than maye he make a true rentall or customary rolle, and put al thynges in a certeynty.

¶ Of cotyers, what cotages and curtilages thei holde & by what seruyce, & howe much rente they pay by the yere. &c. Ca. xiiii.

ITem inquirendum est, de cotagillis, que cotagia & curtilagia teneãt, & ꝑ quidẽ seruicẽ, & quãter reddẽ per ãnũ, ꝓ ꝑdicter cotagiis & curtilagiis

Also is be to enquered of Cotagers, what cotages and curtylages they holde, and by what seruyce, and what they yelde by the yere for the foresayd cotages, and curtylages. This chapiter and the next president, be both of one effect, but ẏ it is to presume, ẏ there is nat so much rentes herriotꝫ customes, & seruyces, to be payde & done for a cotage, as there is for a mese place or a better tenemente, but it may be lyke costome and seruyce.

¶ Of perquesytes or profytes of countyes, of courtes, and of forrestes, what they be worthe by the yere. &c. Ca. xv.

ITem inquirendem est de ꝑquesitis cõmitatuũ curiã forestariorum, cum ꝑdictamẽtis, canum, & quantũ valent per annum in omnibus exitibus

Also it is be enquered, of the perquesytes and profytes of the countyes, of ẏ courtes, & of the forestes with the cuttynge of dogges claysee, and howe muche they be worthe in the yere to all the yssues and profytes. Thys chapiter toucheth nat

the office of a Surueyour but lytel, for the yssues and profytes of the countyes sessyons, and assises are most commenly the kynges, and they be kepte and ordeyned by the shyryffe, and the Justices of peace that be ordeyned and put in commyssyon by the kynge and his counsayle, and the yssues and profytes of them are excepted by the sayde Justyces, and returned into the Kinges Escheaker, and there they reste of recorde, the whiche afterwarde is extreyted agayne, and send downe to the Shyryffes of euery country to leuye and gather vp the same, and therfore to make an accompt in the sayd Escheaker, & it is called Greene ware. And ỳ courtes of the forestes be ordeyned & kept by the Justyces of the forestes and theyr deputies, and the yssues and profytes therof, the whiche cometh most cõmenly by fynes and amercyamentes, are not extreated into the Escheaker, but made out by the stewarde to the bayliffes & other officers of them that oweth the forest. And therein semeth the Surueyour maye syt wyth the Justyces of the forestes for one thynge specyallye, and that is thys that no townesshyp nor hamel enter commen with in the forestes, chases, wastes, hethes, mores, and suche other greate commens, but all onelye suche that of ryghte oughte to haue commen wythin the same. Wherefore it wolde be ordeyned that euerye townesshyppe and hamell, that oughte to haue any suche commen in anye forrestes, chases, wastes, mores, hethes, and suche other greate commens, where dyuers townesshippes and hamels entercomen together euery townesshyppe & hamell oughte to haue a dyuers brennyge yron, and euery beast, horse, mare, and colte, that is put vpon the comen

oughte

oughte to be brenned in some parte of his bodye with the sayde yron, and than shall euery beast be knowen of what towneshyp he is. And that were a great redynes vnto the kepers, and also a great sauegarde for stealyng of the cattell.
And than may the kepers, regarders, goysters, & other offycers of suche forestes and chases, haue perfyte knowledge, what towneshyp the catell is of. And if any of the sayde offycers fynde any maner of catell, hauynge no such brenning, they may attache them, and cease them as streyes, and put them in sauegarde to the Lordes vse, tyll they be yered and cryed. And they ought to aske them thre sondayes in thre or foure parysche churches, and also cry them thre tymes in thre market townes, And yf no man come within the yere and the daye and to make suffycient proue that the cattel is his than it is forfayte to the lorde as a straye, and in lyke maner the swyne and shepe of euerye towneshyp and hamell, ought to be pytched wyth the sayde brynnynge yron, or suche another lyke the same, but as for all other poyntes and artycles touchynge the forrestes, the Surueyour hath lytell to do, wherfore I remyt all other artycles to the Justyces of the forrestes, and to do theyr deputyes to execute theyr offyce, and ye shall knowe that no man shal haue a forreste of ryght but the kynge, except he or hys auncesters haue had a specyall graunt therof by charter of ẏ king & his progenytours in tymes past, & so vsed. &c.

¶ Of churches that belong to ẏ gyfte of the lord, howe many there be, & where they be, & what euery churche is worth. &c. Capi. xvi.

¶ Item inquirendum est de ecclesiis, que pertinent

nent ad donationem Domini, quot sunt, et vbi, et quantum valent, et quantum, quelibet Ecclesia valet per se p annum, secundum verā estimationem illius. It is to be enquered of all the churches that belonge to the Lordes gyfte, howe many there be, and where they be, and what they be worthe, and what euery churche is worth by it selfe by the yere after the true estymacyon of the same, The letter of thys chapiter is very playne and nedeth nat muche declaracyon further than is spoken of, but alonely in one thyng, and that is this, oft tyme he that hathe ryght to presente to a churche at one tyme, hathe nat ryght to present to the sayd churche at the nexte tyme. And that is where any sole patrone of a churche hath yssue two, three, or foure doughtes and deceasse, so that the ryght of the patronage of the sayd church discendeth to all the sayd doughters, whā the church is voyde. they shall presente by turne, the eldest doughter fyrste, than the second at the nexte auoydaunce, than the. iii. and so forthe, tyll they haue presented ones ouer, and than to begyn agayn at the eldest doughter, excepte they make anye other partycyon amonge them selfe by agremente. And than muste euery one of them presente by theyr tourne accordynge to theyr partycyō as it cometh aboute. And so muste of the Surueyour make his boke, accordyng to the ryght of the presentacyon as euery tyme, secōde tyme, thyrde tyme, or fourth tyme, and so forthe. Also what Lordes or Gentylmen haue theyr turneyse wyth them in the same benefyce, and whych of them presented laste, and who shall haue nexte, and who than, tyl they haue gone about, and in what towne it is, and in what

shyre and dyocyse it is, and what euery benefice is worth by it selfe by the yere, as it can be estymate.

¶ What the herryottes be worthe, the fayres, exchetes, customes, seruyces, and forreyne workes the pices and perquesytes of the courtes. Fynes, reliefes, and all other thynges that may fall vnto the Lorde by the yere. Cap. xvii.

ITem inquirendum est, quantum valent herriocta, nundine, scaeta, cōsuetudines, seruitem, et operaciones forinsice, ꝛ quantum valent placita et perquesite, fines, et reuela, ꝛ omnia alia que accidere possunt per annum in omnibus.

It is to be enquered, what be the value of herryottes, fayres, exchetes, customes, seruyces, and forreyne workes, and what the pices be worthe, and the perquesytes or profytes of the Courtes, fynes, reliefes, and all other thynges that maye fal by the yere in all. This chapiter goeth in generalte, and is like, as whan an Auditour hath cast al the mynyster and partyculer accomptes of euerye bayliffe or reue and other accomptance, and hath made his boke parfyte of all the partyculer, wherupon the hole charge resteth. Than whan the lorde wolde knowe what the extente is of all his hole landes, and also of euerye partyculer parcell by it selfe, it were to longe a processe to shew hym all the sayde mynyster and partyculer accomptes, ꝛ thoughe he dyd, he shulde nat knowe the grose sommes of his rentes, fynes, herryottes, exchetes, perquesytes, ꝛ suche other, euery of them by hym selfe, wherfore he wyl cause his Auditour to make a value in maner of a bredgemente of all the sayde mynyster accomptes, and fyrste to knowe the hole

charge

charge of al the hole partyculers, what they be at the fyrste syght, in the sommes totall. Than to deuyde the sommes totall in dyuers parcelles, as the chefe rentes of the freholders by them selfe, the rentes of customarye tenauntes by them selfe, tenauntes by Indenture, or tenauntes at the Lordes wyll by them selfe, so that he maye make a grose somme of euery maner of rente, so that one rente maye be knowen from another. But than muste the Audytour haue good and parfyte informacyon, or els he cannat do it, and that informacyon muste come by the Surueyour and the baylyffes, for they ought to knowe one maner of rente from another, and therfore theyr rentalles wolde be made accordynge, also the perquesyties of the courtes by them selfe. And those muste be in like maner deuyded, as the Plees by them selfe, the mercementes for commen tresspas by them selfe, Fynes by them selfe, herryottes by them selfe, exchetes by them selfe, and so of reliefes, feyres, marketes, and all other casualtyes, euery of them by them selfe, and ought to be presented in the courte by them selfe. And therof to be made an estreyte to the Bayleffe or reue to gather by, and brought into the accompte of the Audytour, the whyche he maye deuyde in makynge of his value, yf the accomptaunte bryngе hym parfyte rentalles and courte rolles and nat els, But yf they do nat at the fyrst tyme, he muste teach and enforme them howe they shulde make them parfyte. And customes, seruyces, and workes be ofte times done by bodely seruyce, and workes, and than they be nat to be accompted for, but yet mencyon wolde be made in the accompt therof. And manye tymes

such

fuch maner of cuſtomes, ſeruyces, and woꝛkes be tourned into money. And than it commenly goth wyth the rentes and the baylyffe oꝛ reue is charged therwyth. And thys chapter reherſeth further Et omnia alia que accideꝛem poſſint per annum in omnibus. And of al other thynges, that may fal the Lord, what they be woꝛthe by the yere. And thoſe may be take as mynes of tynne, leade, oꝛ cole, yꝛon, ſtone, fre ſtone, mylne ſtones, gryndel ſtones, lyme ſtones, chalke fullers earthe, ſand, cley, grauell, bꝛome, goꝛſe, oꝛ fyꝛs, matle, furues, thoꝛne wode, buſſhes, hethe, ferne, oꝛ bꝛaken, and ſuch other, yf there be any newe found and ought to be put in a rentall to a certayne, oꝛ els to be put in accompte by waye of appꝛouement. And than the Audytour maye deuyde the caſualtyes from the certentyes, & to make a groſe ſomme of them all. And yet may the value of euery thyng appere and be knowen how much it is by it ſelfe. And than muſt there be deduct out of the ſayd groſe ſomme all maner of out rentes and oꝛdynary charges as baylyes fees, reparacyon and ſuch other, and thā to make a clere groſe ſomme of euery yere by hym ſelf. And by cauſe oft tymes moꝛe caſualtyes falle oꝛ come to ꝑ lorde moꝛe in one yere than in another, therfoꝛe it is conuenyent that the clere groſe ſomme of. v. oꝛ ſyx yeres oꝛ mo, wolde be caſte to gyther in one groſſe ſomme, and to deuyde that ſome in as many partes as ther was yeres caſt to gyther, and than the cleare value of one yere wyll be commenly about ꝑ ſome ſo deuyded. And thus endeth the bꝛefe declaracyon of thys Statute. Ex tenta menerii.

¶ Explicit.

Of

¶ Of dyuers maner of takynge and doyng of homage and fealtye. Capitulo. xviii.

IN so much I haue shewed diuers dyuersytes of tenures, and also di uers maners of makyng of copies and the othes of the officers of ꝯ courte, thoughe they be nat expres sed in the statute, me semeth also it were cõuenyente to shewe the dyuersytes & maner of takyng and doyng of homage and fealtye. And ye shall vnderstande that homage is the most honorable seruyce, and the moste humble seruyce of reuerence, that a fre mã may do to hys lord. For whan ꝯ tenaunte shal do homage to his chefe Lorde, of whome he holdeth hys chefe maner or mancion place, by knightes seruyce and pryorite, he shalbe vngyrde, and his head vncouered, and the lord shal syt, and the tenaunt shal kneles before hym on both his knees, and shall hold his handes stretched out to gyther bytwene the lordes handes and shall say thus. I become your man from this day forward, of lyfe and of membre, & of worldly honour. And to you shalbe faythfull and lowely, & shal beare fayth to you, for the landes & tenementes the whyche I holde of you, sauyng ꝯ fayth ꝯ I owe to our soueraygne lorde the kynge and my other lordes. And the lord so syttynge shal kysse his tenaunt, the whyche is a sygne of parfite loue. And why sayth the tenaunte, of lyfe and of all worldly honour? Bycause he holdeth hys landes of his lord by knyghtes seruyce, & also by pryorite, for and he holde otherlandes of another

lorde

Lorde by knyghtes seruyce & posseryorye, he shall nat say to hym of lyfe and of membre, for thoughe he be bounde to hym by reason of his tenures of knyghtes seruyce, to goo to batayle with is Lord and to putte hys lyfe and membres in ieopardye with his lorde, yet can he nat go with them bothe. And therfore shall he go to batayle wyth that lord that he holdeth his landes of by prioryte. And bycause therof, yf any such tenant dye, his heyre beinge vnder age, the lord shal haue the kepyng of his body, and the profyte of those landes that be holden of hym, durynge the nonage and also the maryage of hym. Wherfore it is to be presupposed that the lorde wyll be more louynge and kynde to hym, than any other of hys frendes wold be. Seynge than whan he cometh to full age, he shal put hys lyfe in ieopardy for hys lorde, the whych byndeth the Lorde by reason the rather to do for hym whan he is nat able to helpe hym selfe, where as his frendes may fortune cared nat for hym, and had leauer another had the lande than he.

☞ And yf an abbot, or a priour, or any other mā or woman of relygyon shuld do homage, they shal nat say, I become your man. &c. bycause they be al onely professed to God to be his man and women and to none other. And therfore they shall knele and holde theyr handes as the other dyd, and saye thus. I do to you homage, and to you shall be faythfull and lowely, for the landes and tenementes whiche I holde of you, sauynge the fayth that I owe to our soueraine lorde the kyng. &c.

And yf a woman sole shulde do homage, she shall nat saye, I become your woman for it is nat conuenyent, that a woman shulde be come wo-

man

man to another man, thā to her husbād, whan she is maryed. And therfore she shall say as the religyous men and women do. I do to you homage. ꝛc.
¶ And yf a woman couerte wyth baron shall do homage, they shall knele before the Lorde bothe, and the Lorde shall take bothe theyr handes bytwene his handes, and the husbande shal speake all the wordes, as thus. We to you do homage, and fayth to you we shal beare for the landes that we holde of you, sauing the faythe that we owe to our soueraygne lorde the kynge, his heyres & to our other lordes, & they both shall kysse the lorde. ꝛc.
¶ And in case a man shulde do homage vnto hys Lorde, and the lorde graunte his homage and seruyce to another man. Nowe shall the tenaunte do hys homage and seruyce to the grauntoure, after this maner. I become youre man from this daye forthe, and to you shalbe faythfull and lowely, for the landes and tenementes that I holde of A. B. your graūtour, in the townes of C. D. ỹ whiche to you he hath graūted my homage, & seruyce in ỹ sayd townes, sauyng the fayth ỹ I owe to our soueraygne Lorde the kynge, & my other lordes. ꝛc.
¶ And knowe you that one lorde maye haue done to hym dyuers homages of dyuers tenauntes, for one maners of land. But one tenaunt shal do but ones homage for one maner of lande, for thoughe the lorde dye, hys heyre or hys assygne, yf he sell it or graūt it awaye, they do repreſente the lordes estate. But and the tenaūt haue done his homage to his Lorde, and after the maner, wherof the tenaunt holdeth hys landes is recouered agaynste the lorde. Nowe shal the tenaunte do his homage agayne to hym that recouered the maner, for he

commeth

cōmeth nat in, by ẏ lorde, but by force of recouer, the which proueth ẏ fyrst homage to be voyde, for it was done to hym ẏ had no ryght to take it, &c.

¶ Also ye shal knowe, that a man may distrayne his tenauntes catell for homage by course of the commen lawe, and also for relefe. And thoughe a man haue payed his relefe, yet he shall do homage and fealtie. Also ye shall vnderstande, that no man shall do homage, but he that hath a state of enherytaunce in Fee simple or in Fee tayle, in his owne right, or in his wiues, for tenaūt, for terme of lyfe, tenaūt, by ẏ curtesie, nor tenaūt in dower shall do no homage, nor take no homage. &c.

¶ And yf a man holde landes of the kyng in chefe and haue yssue thre or foure doughters and dye, al the doughters shall do homage to the kynge. And yf the landes beholdē of another Lorde, the eldest doughter shall do homage for all, & also ẏ seruyces & the other doughters shalbe cōtributoryes, & bear euery one of them theyr porcyon of the same.

¶ And whan a free man shall do feaultye to hys Lorde, he shall laye his hande vpon the boke, and shal say thus, here you my lord that I. M. O. de. E. fro this day forthe, to you shalbe faythfull and lowly, and fayth to you shall beare for the landes and tenemētes that I clayme to holde of you, and loyally shall do and pay the rentes, customes, and seruyces, ẏ I ought to do at the termes assygned as god me helpe and al sayntes, & than kysse. &c

¶ Whan a villaine shal do feaultie to his lord, he shall laye his handes vpon the boke and say thus. Here you my lorde R. that. I. M, de C. fro this daye forthe to you shalbe faythfull and lowelye

that I ought to do to you, for the landes that I holde of you in villienage, and I shall be iustyfyable of body and of goodes, as God me helpe and his sayntes, and than kysse. &c.

¶ Whan a villayne that holdeth no landes of the lorde shall do fealtie, he shall ley his handes vpon the boke and say thus. Here you my lorde S. that I. W. B fro this daye forthe to you shalbe faythfull and lowly, and I shall be iustyfyable to you of body and of goodes, as God me helpe and his sayntes, and kysse the boke. &c.

☞ What a Surueyour shuld do. Ca. xix.

NOwe thys Statute is breuelye declared, it wolde be vnderstand howe a lordshyp, or a maner shulde be Surueyed & vewed, butted & bounded on euery parte, that it may be knowen for euer, whose euery parcell therof was, at the makynge of this boke, and it maye serue as well to saue the inheritaunce of the Lordes as of euerye fre holder by chapiter, copy holder, and customary holder, and to knowe euery mannes lande, as it lyeth to his house one from another, so that it may be knowen an hundreth yeres after, and for euer, what maner of landes, and howe manye acres euery man had to his house at that tyme, and where they lye. The name of a Surueyour is a frenche name, and is as muche to say in Englyshe as an ouerseer. Than it wold be knowen howe a Surueyoure shuld ouer se or surueye a towne or a lordshyp. As and the cytie of London shulde be surueyed, the Surueyour maye nat stande at Hygate, nor at Shoterhyll, nor yet at the Blacheth, nor suche other places, and ouerloke the cytye on euery syde. For and he do, he shal nat se the

goodly

goodly ſtreet, the fayre buyldynges, nor the great ſubſtance of ryches conteyned in them, for than he maye be called a diſceyuer, and nat a Surueyoure. And in lykewyſe yf a man ſhall vieu a cloſe or a paſture, he may not loke ouer the hedge, and go his waye, but he muſt outher ryde or go ouer and ſe euerye parcell therof, an to knowe howe many acres it conteyneth, and howe muche therof was medowe grounde, howe muche paſture ground, howe much woode grounde, or buſche grounde, hethe, lynge, or ſuche other, and what an acre of medowe grounde is worthe, and what an acre of paſture, and what an acre of the wood grounde or buſche, and ſuche other be worth. And what maner of cattell it is beſt for, and howe many catell it wyll graſſe or fynde by the yere, and what a beaſtes graſſe is worth by the yere in ſuch a paſture, or els he can nat ſet a true value what it is worthe. And therfore a Surueyour muſte be dilygent and labourous, and nat ſlouthful and recheles, for and he be, he is nat worthy to haue hys fee or wages, and maye fortune to make an vnparfyte booke. And yf he ſo do, it is to his ſhame and rebuke, and great iopardye to hys ſoule to make a falſe preſydent, wherfore it is conuenyent to remembre the ſayinge of the wyſe philoſopher. Adhibe curam, that is to ſaye, take hede to thy charge. and ſo yf he ſhulde vieu a cytie or a towne, he muſt begyn at a certayne place, as and it were at the drawe bridge of London bridge on the Eaſt ſyde, and there to make his tytelynge where he begynneth, and to ſhewe who is lord of the houſe nexte vnto the ſayde bridge and who is tenaunt. And yf he be a freholder, what cheſe

rent he payeth to the lorde, customes or other ser-uyces. And yf it be no free holde, than the rent ne-deth nat to be spoken of, but at his pleasure, for it may ryse and fall. And howe many fote in brede, and howe many in lengthe. Than to the seconde house on the same East syde in lyke maner, and so to peruse from house to house, tyl he come to saint Magnus churche. And than returne agayne to ỹ sayd drawe bridge on the west syde, and there be-gyn at the house next to the sayde brydge, and so to peruse from house to house, tyll he come to the corner next Temmes strete, and than he may chos wether he wyl folowe the Southe syde of the said Temmes strete westward and Eastwarde, tyll he haue perused the hole parysshe. And yf ther be any maner of gardeynes, entrers, or aleys, or other dwellyng places within forth, they may not be o-uerskypped, forgotten, nor left out, but taken by the waye. Howe muche euery garden is, how lõge euery aley and entre is, and howe many dwelling places be therin, and whose they be, and how ma-ny cellers or tauernes therbe, and howe many fo-tes euery one of them be in lengthe and brede.
And so to go from parysshe, to parysshe tll he haue viewed the cytie, and euery strete & lane wolde be remembred what length and brede they be of. And also euery church & church yarde, and other voyde places whych wold aske a great leyser, but yet it is possyble to be done.

¶ Howe a man shuld vieu, butte and bounde, the maner and the townesshyppe. Capi. xx.

¶ The towne of Dale.

The vewe of the maner of Dale taken the ten dayes of Maye, the. xiiii. yere of the raygne of

Kynge

Kynge Henry the viii. by. A. B generall Surueyour of the ryght honorable Lord C. D. Lorde of the same, and by his commaundemente, and also by the othes of E F. G. H. and many other tenaũtes of the same, as here after ensueth.

¶ The cytie of the maner of Dale standeth and lyeth betwene the Kynges hyghe waye leadynge from the towne of A. vnto the towne of B. on the South parte. and the churche yarde of the same towne of Dale on the East syde, and the commen felde of the same towne called the Northe felde on the Northe parte. And the tenemẽt or mese place of Johñ Coke in the west parte, and conteyneth. xx. perches in brede and. xxx. perches and foure fote in length, euery perche. xvi. fote & a half, wherupõ is set the maner place sufficyentlye buylded wyth two crosse chambers of stone, of bryche, or tymbre, wyth all maner of houses of offyce wythin forthe, and two barnes, and an ore house, and hey house, and a stable, a gardeyne, and an Orcheyarde. And yf it be noted aboute, expresse howe muche houslynge standyth within the mote, and howe muche wythout, and wyth what maner of couerynge the houses be couered. The whyche maner wyth the demeyns landes, medowes leyse, and pastures be now in the holdyng and occupyynge of T. S. and payth by the yere, at foure termes or two tymes there vsed s. &c. by euen porciõs vi. li. viii. s. iiii. d.

¶ The cytie of the personage standeth and lyethe bytwene the sayde hyghe waye on the south parte and the sayde churche in the weste parte, and the sayde Northe felde on the Northe parte, and the tenementes of J. L. on the East parte. And the said

person hathe a crofte lyinge bytwene the sayde Northe felde and the sayde churche yarde on the south parte. And the sayd cytye and crofte contayneth.x.perches on the southe side, and.xiiii.perches on the Northe side, and.xxx.perches in lēgth on the East syde, and.xvi.perches and a halfe on the west syde. And the mancyon place and the houses there vnto belongynge, be nowe ruynouse and syr S.B. is nowe person there, and hadde it of the gyfte of the lorde, to whome the gyfte belongeth euery thyrde tyme and to J.F. the nexte tyme, and C.D. the thyrde tyme, and so as ofte as it falleth. And the sayd S.B. occupyeth the sayd personage hym selfe, with all the glebe landes, medowes, tythes, & al other fruytes, and is worth by the yere.xx.li. And in lyke maner of a vycarage, & than must ye shewe who is person, the whyche most commenly is a spiritual man.

☞ J B. holdeth a meseplace frely of the lord by charter, with dyuers landes, medowes, and pastures belongyng to the same. The whiche mese place lyeth bytwene the sayde hyghe waye, and the sayde Northe felde, as is before sayde, and the sayd personage on the westesyde, and the tenement or meseplace of F.G. on the East parte, and conteyneth.xii.perches on the south ende in brede and.xxii.perches and foure fote in lēgth, and.xvi perches in brede on the North end. and he holdeth the sayd mese. wyth all that longeth therto, of the sayd lord by homage, fealtie, and.ii.s. by the yere and halfe a pound of Pepper, and sutes of court from thre wekes to thre wekes, and to ẏ.ii.great letes. And this he may expresse the seruyce of the rente, yf he may haue a parfyte knowledge by the

lordes

lordes presydence or by orygynall dedes.
¶ F. G. holdeth a mese place wyth the appurtenaunce of the sayde lorde at his wyll or by indenture or copye, and it lyeth bytwene the sayde hye way, and the Northe felde, and the foresayd mese place of J. C. on the west syde, and the feld called East felde on the Easte syde conteyneth. xi. perches and syxe fote in brede, and. xviii. perches and ten fote in lengthe. And payeth vnto the lord at the termes there vsuels. xvi. shyllynges suyte of courte. ii. hennes, & an herryotte at his decesse. &c
☞ G. H. holdeth a cotage of the lorde by copye, and standeth bytwene the sayde hye waye on the Northe syde, and the towne feld called the southe felde on the South part, and the sayd Eastfelde on the East syde. And a mese place of the pryoure of B. on the west syde. and it conteyneth by the hye way syxe perches, and at the southe ende. vii. perches and eyght fote, and on eyther syde. xii. perches, and payeth by the yere at the sayde termes xx. d, suyt of court and one henne.
☞ The Prioure and the couent of B. holdeth a meseplace and a crofte wyth the appurtenaunce of the Lorde frely in pure almes, and it lyeth bytwene the sayde cotage in the holdynge of G. H. on the East syde, and a mese place, of the Lordes in the holdyng of T. S. on the West, and botteth vpon the sayd hye way on the sayde Southe feld, and conteyneth in brede by the sayd hye way syxetene perches, and in lengthe twenty perches. and at the southe ende twelue perches in brede & payeth to ẏ Lord half a pound of Pepper for all maner of seruyce. &c.
☞ T. S. holdeth a meseplace of the Lorde by in
 denture

denture, and it lyeth bytwene the sayde tenemente of the priours on the Easte syde, and another hye way that leadeth or goth fro the forsayde churche or personage, to the towne of S. on ẏ weste syde & bytwene the forsayde hye waye on the North side and the tenement of the lordes in the holdynge of H. L. on the Southe syde, and it conteyneth .x. perches euery waye, and payeth by the yere. &c. suyte of courte and herryotte. Also the sayd, S. T. holdeth of the lorde an horse mylne nexte adioynyng to his sayd mese and the tenement of H. L. and is conteined bothe in length and in brede within the sayd .x. perches, wherof the Lorde shall fynde all the great tymber, and brynge it to the mylne, and the mylner shal make al the cost, both of the house and ẏ goyng geyre. And also he shal both thacke & danbe at his owne coste & charge, & payth for the same at the sayd termes syxe shyllynge, two hennes at Chrystmas, and two capons at Pasche.

¶ H. L. holdeth a tenement of the lorde, and it lyeth bytwene the sayde horse mylne on the Northe syde, and the sayd Southe felde on the south syde and batteth vpon the sayd hye waye that leadeth to S. on the west, and the crofte of the sayde pryours on the East, & conteyneth, xii. perches and tẽ fote in brede by the hye way. & .ix. perches in lẽgth to the sayde croft, and payeth at the termes a fore sayde .x. s. two hennes at Chrystmas, and suite. &c

¶ P. Q, holdeth a cotage of the lorde at his wyl and it lyeth bytwene the sayde hye waye that leadeth to S. on the East syde, & a crofte of. R. X. on the west syde, & a felde called Southe felde on the southe syde, & ẏ tenemẽt of R. X. of ẏ North, & it cõteyneth in bred. by the hye way foure perches &

in

in lengthe. vi. perch s, and a halfe, and payeth. &c.
¶ R. E holdeth a tenement and a croft called the Swan freely by charter, and they lye vpon the cor ner betwene the sayde two hyghe wayes, on the Northe and East, and a tenemēt of the Lordes, in the holdyng of W. L. and a medow called west medow on the west syde, and a cotage in the holdyng of. P. M. and south felde on the southe syde. And it contayneth in it selfe. viii. perches square, and the crofte conteyneth. xi. perches in lengthe, and. vi. in brede, wherin be. v. buttes, of the whi che one butte is ỳ sayd priour of. B. that is to sai next vnto hedge on the west syde except one, and he holdeth the sayd tenemēt of ỳ lorde by homage fealtye, & a sparhauke for all maner of seruyce.
¶ W. L. holdeth a tenement of the lord. lyenge betwene the sayde tenement of. R. E. on the East syde, & the medowe called the west medow on the west and southe, & the sayd way that leadeth from A. to B. on ỳ Northe side, & conteyneth. xiiii. per ches in brede, and. xvi. in lengthe, and payeth. &c
¶ J. L. holdeth a tenemente of the lorde & it lyeth betwene the sayde maner place on the Easte syde and the west medowe on the weste syde, and the Northe felde on the northe syde, and the sayd way that leadeth from A. to B. on the southe syde, and conteyneth by the way seuen perches, & in length ten perches, and payeth at the termes accustomed xii. s. vi. d. ii. hennes at Chrystmas, suyt of court and herryotte at hys dec sse &c.
He that shall vieu, butte, and bounde landes or tenementes, by East, West, Northe, and Southe it is necessarye that he haue a Dyal wyth him, for tis and the sonne shyne nat, he shall nat haue per-

fyte knowledge whyche is East, west. Noꝛth, and South. Foꝛ many tymes the landes oꝛ medowes do nat alway lye cuē East oꝛ west noꝛthe oꝛ south but somtyme moꝛe of one parte than of another As Southe East, oꝛ Southe West, Noꝛthe East oꝛ Noꝛthe West and some two partes of the ouꝛ and but the thyꝛde parte of the other, as Noꝛthe noꝛtheſt, Noꝛthe noꝛthe weſt. East, Noꝛthe eaſt and eaſt, South eaſt. South ſouth eaſt, and ſouth ſouth West, and West ſouth weſt, and West noꝛthe weſt. But it nedeth nat to a ſurueyour to take ſo narrowe a dyuerſyte, but to butte it vpon the moſt parte as it lyeth, and than muſte the dyal giue him perfite knowledge how it lieth, and ſo muſte he tytel it in his boke, as ſhal appere hereafter and he muſt ſtande in the mydde of the flat, whā he ſhal butte truely.

☞ How a man ſhuld butte and bounde the feldes. Capi. xxi.

¶ The Noꝛth felde vpon Dale furlonge.

¶ The Noꝛthe felde lyeth on the Noꝛth ſyde of the towne & begynneth at the croſe at a furlonge called Dalle furlonge, the whyche furlonge conteyneth. xxx. landes and two headlandes, and they but on Noꝛthe & Southe, wherof the ſouthe endes but vpon the hall oꝛcheyarde, and vpon the croſte of I. L. and the Noꝛthe endes but vpon Ryhyll. Than to begyn on the East ſyde nexte to to hye waye ꝓ leadeth to A. the perſon hath two landes the loꝛdes thꝛe landes I. B, one land. F. G two landes, the Loꝛde foure landes, the pꝛyoure two landes, the perſon one land, RE two landes W. L. one lande H. L. one landꝛ T, S. two landes, the pꝛyour thꝛe landes, the loꝛde two landes

des G.H. one lande, the person on lande, the lorde two landes nexte to the west syde, and the heades lande nexte to the halle orcheyarde, and the other head landes is the personnes next Rychyl, and yf the husbanddes haue perfyte knowledge which is a rod and which is an halfe acre, than it we better to saye the lorde hath an acre, conteynynge thre landes are made in foure or fyue landes, and J.C halfe an acre made in two, and T.S. a rodde in one lande, and yf it be lasse than a rodde, than call it a but, howbeit a man may perceyue and knowe yf anye man make two landes of one lande, or of one land make two landes, bycause of the certayn nombre of euery flatte.

¶ Wan furlange lyeth nexte to the same, and conteyneth .xxiii. landes, and one headlange at the ouer endes, and they lye East and West, and butte vpon Dale furlande, at the nether endes, and on the Southe syde nexte the personnes crofte. The person hath thre landes, the pryour .i. londe J.C. two landes, the lord foure landes J.B. ii. landes T.S. ii. landes H.L. one lande, G.H. one lād. F G. one lande, R.E. iii. landes, the pryour two lādes. P.M. i. lande, the lorde hath the headlandes.

¶ Whethyll furlande lyeth nexte to the same hedlandes, and it conteyneth .xxxvi. landes, and thre gares fother or pyke, and they be all one thynge, and be called so. bycause they be brode in the one end. and a sharpe pyke in the other ende, and they be alwaye shorter than the other landes, and they but vpon the sayde headlande of the lande at the West ende, and vpon depe syche at the East ende and to begyn at the Northe west syde of the sayde flat, G, L. ii. landes T, S. ii. lādes. G.H. i. lād, ꝑ

lord

lorde.vi.landes, J.C.ii.landes, the person.iii.lā
des W.C.ii.lādes & one pyke the priour.ii.lādes
& i.pyke. F.G.ii.landes & i.pykethe lord.iiii lan
des.R.X.iii.landes. T.S.ii.lādes, G.H.ii lāds
and the lorde.iii.landes next to the Southest side.
☞ Than tourne agayne to Rie hil, that conteyneth.xxxvi.landes and two pykes, and but vpon Dale furlonge on the South endes, & vpon longe medow vpon the North west endes. Then on the South East syde next to the way, that leadeth to A.the pryour hath.ii landes, G.H.i.land, the per sont wo landes, J B.ii.landes, F.G.ii.landes, ẏ lord.iii.lādes & ii.pykes. W.C.ii.lāds. R.X.iii. lādes. T.S.ii.lands, P.Q.two landes. H. L.ii landes, the Lorde thre landes nexte to the balke, that the wyndmyll standeth vpon.
¶ P.Q the whych holdethe a cotage of the lorde holdeth also the sayd Wyndmylne, wher vnto al the Lordes tenauntes are bounde to grynde all theyr corne & malte, ẏ they occupy e of theyr owne at the sayd mylne as well free tenauntes as other and the lorde shall fynde all maner of tymber, and yron worke, borde and nayles, and bryng them to the mylne, and the mylner shall nayle vp thys bor des, make hes shaft and the sayle yardes, vphold and reparell the spyndell and the rynde, the mylle pykes & the sayle clothes, cogge and ronge, at his owne proper cost & charge, & shal pay by yere.xx.s at the termes there vsuell, & to grynde the Lordes corne & malte tolle fre, and to grynde it fyrst, nexte to the corne ẏ is the hopper, yf any be. &c.
¶ On the other syde of the Wyndmylne balke lyeth a flatte called Peyse hyll, and it conteyneth l.iiii.lande, and foure pykes, and one heade lande
of

of the whyche landes there be syxe of them, that breake or cut in the mydde, of the landes, as shall appere by the boundynge. And the sayde flatte lyeeth bytwene the common pastures, called the balk on the Southeast, and the forsayd medowe, called the longe medowe vpon the Northweste, and nerte vnto the forsayde balke, I. C. hath. iii. landes, the lorde syxe landes and a pyke, the persone foure landes and a pyke. I. B, foure landes. F. G two landes and a pyke. W, C. thre landes, R. X ii. landes at the vpper ende nerte to the hedlände P. Q. the neyther endes of the landes nerte to ẏ longe medowe, T. S. foure lande, H. L. thre landes at the head, and I. C. the neyther endes of the same, the pryour fyue landes, the lorde eyght landes. I. B. thre landes, G. H. two landes and a pyke, F. G one land at the head, H. L. two landes buttyng vpon the same. i. lande and vpon the medowe the ꝑson thre lãdes nerte to the Northeast syde, and the Pryour hath the headlande at the head. And this me semeth shuld be suffycyente instruccyon for buttynge and bounden of all the feldes one after another, ꝛc.

¶ How a man shulde but and boũd the medowes. Capi. xxii.

The longe medowe belongeth to the towneshyppe of Dale.

THe longe medowe lyeth vpõ the North side of the northe felde, bytwene the sayd felde & the broke, ẏ departeth the towneshyppe of Dale, and the towneshippe of Sale, and the west endes buttethe vpon the way that leadeth to A, and the Easte ende of the same medowe vpon a close of the sayde Lordes, called the parke close, and conteyneth

teyneth. Cxxii. acres, this medow lyeth in dyuers shotes of lengthe, sometyme in two shotes of lengthe, sometyme in one, and sometime in thre.
Than to begin at the weste syde next to the hygh waye that goeth to. A. on the ouer shote, the Lord hath foure acres I. C. two acres and a halfe, the person thre acres I. B. two acres & a halfe F. G. thre acres, the pryour four acres the lorde eyghte acres. And on the neyther shote next vnto the broke next vnto the sayde hyghe waye. F. G. ii. acres, the pryoure four acres E. H. haife an acre, W. C. two acres and a halfe. R. E. syre acres, the Lorde seuen acres. Than to the longe doles that burte fro the sayde Northe felde to the sayd broke C. S. foure acres, the person thre acres, I. C. an acre and a halfe I. B. an acre and a halfe, the lord syre acres P. M. thre acres, H. L. thre acres. And at the neyther ende of the sayde thre acres I. K. lord of Dale hath attached his wiere of the milne of Dale, for the whiche attachemente the sayde. I K. payeth to the lorde of Dale and to hys heyres euery yere two shyllynges at the feaste of saynete Myghel the archaungell, for all maner of seruyce. &c. Than to the ouer shote nexte the sayde felde, G. H. an acre and a rodde. W. C. thre rodes. R E. an halfe acre, the lorde two acres the person halfe an acre, P. M. halfe an acre, the pryoure two acres and a halfe. I. C. ii. acres, the lord foure acres C. S. two acres nexte to the Parke close. Than to the myddell shote nexte to the long doles F. G. an acre, the person thre acres. I. B. two acres, the Lorde foure acres, H. L. two acres, the pryoure foure acres nexte to the sayde parke close Than to the nethermoste shote nexte the broke on

the

the syde next to the longe doles, the person two acres. R. F. thre acres, the lorde foure acres and a halfe. G. H. halfe an acre, the pryoure two acres. W. L. ii. acres and a halfe, I. L. halfe an acre, T. S. two acres, I. B. ii. acres in the corner next to the sayde parke close, and butteth vpon the sayde broke. And if there be any more medowes than butte and bounde thē in lyke maner, for the mo medowes there be and the fewer shottes, the better maye they be bounded, for medowes goo moost commenly by acres, halfe acres and rodes and they ought to be well staked betwene euerys mannes dole, and specyally wel stoned with great stones betwene, and set on a greate heyght that they synke nat farre into the earthe, for the propertye of a stone is to dyscende downewarde, and the propertye of earthe to ascende vpward. Therfore they wold be taken hede vnto betyme & amended whā nede is. And this me semeth is sufficiēt.

How a man shulde bitte and bounde hys pastures. Cap. xxiii.

The pastures belongynge to the same towne.

The Lorde hath a close called parke close, and it conteyneth. xxx. acres, and it lyeth betwne the sayd medowe called longe medowe on ꝑ west parte, & a close of the persons called Orhey on the East part, & the sayd broke on the North part, & a felde called East felde on the southe parte, and it is worthe by the yere. xx. shyllyngs. &c.

The person hath a close next to the same called Orhey, & it conteyneth. x. acres & lyeth betwene ꝑ parke close on the West part & a close of. I. B. on the East syde, & the sayde broke on the Northeast parte, and a felde called East felde on the Weste

parte

part. I do nat value it, bycause it is nat the lordes the quantite of the acres therin is sufficyent. &c

¶ The sayde I. B. holdeth a lytell crofte freely, belongynge to the tenement called Rye crofte, and conteyneth two acres, and lyeth bytwene the said persons close on the west syde, and the same that goeth towarde R. on the Southeaste syde, & butteth vpon the hye waye that commeth from D. to the sayde towne of Dale on the Northeast side, & the sayd East felde on the Weste parte. I set it at no value, bycause he is a fre holder, and ronneth in the cheke rentes of his house, but and if it be gyuen to the freholder by another dede, thā must the Surueyour expresse the cheke rēt therof by it self, And it is the most special poynt of a Surueyour fyrst to avieu but & boūde, bothe the towne & the hole lordshyp, or euer he desyre to se or loke vpon any euydēce of any freholders. For this fyrst don the Surueyour may than parfytly know wether the freholder shewe his euydēce for all his land or nat, & let the Surueyour haue good remembraūce what parcels of lāds be cōteyned in the said euidēce. And thā may he wel receyue whether he shew for all or nat. And yf the dedes be shewed fyrst, the tenaūt may say there is for all his land & the surueyour cannat controlle hym nor say nay. &c.

¶ F. E. holdeth a crofte of the lorde, lyinge next on the other syde of the said lane called Gose crofte & conteyneth two acres & a halfe, & butteth vpon the sayd hye way on the Northeast side, & the said East felde on the west parte. &c. And thus ye may peruse, butte and boūde all the croftes closes, & pastures aboue the towne & vnder the lordshyp, whose soeuer they be. And to expresse euery hye waye, or

croft

crofte, commen balke, or marle pyt, where they lye the whiche shalbe a greate redynesse manye yeres hereafter, And yf there be any commen pastures where herdemē kept theyr catell, or any cōmē wod des, mores, hethes or suche other, they may nat be forgotten to be butted and boūded as they lye. &c

☞ How a man shuld amend eareable lande. Capitulo. xxiii.

IT is conuenyent, that an husbande kepe hys eareable lād lying roūd, ẏ it be nat to highe in the rygge, nor to lowe in the myddes of the sydes, nor to hyghe a lytell fro the rayne, for than wyll the water stande in the sydes of the landes and drowne the corne. And thoughe there be no corne yet wereth the grounde and maketh it leane, for standynge water distroyeth grasse, and therfore it muste nedes distroy corne, the whiche is muche more tenderer than the grasse. And yf it so be, thā take thy ploughe and begynne to plowe a forowe in the myddes of the syde of the lande, and cast it downe, as and thou shulde falowe it, and so peruse bothe sydes tyll the rygge be cast downe, and than take thy plough agayne and begyn to plowe where thou dydest plowe fyrste and rygge all the remeynant vpwarde, & so shalt thou both cast thy landes and rygge them, and all at one plowynge. And thys wyll make the lande to lye rounde, the whiche is good bothe for corne and grasse. &c.

☞ Another maner of mendynge of earable land is to mucke it, marle it, lyme it, or dunge, wyth the carte or wayne, and as I sayd in the boke of Husbandre, to set the donge vpon the fyrste sturrynge whan it is rygged, for that is best for manye causes & yf thou laye it vpon the falowynge, than set

thy muck e hepe in the reyne of the lande and than ſpzede it, and all that falleth in the ryg caſt it out a gayne foz els it doth but lytell good, foz it wyll be couered with earthe, and ſeldome ſene agayne. ꝛc.

¶ Another maner of mendyng of earable land, is to ſet thy ſhepe folde vpon it, and to flyt it euerye day, and it is better vpon the ſturrynge, than vpon the falow, and the ſhepe folde is better vpon the Rye ground, than vpon the wheat grounde.

¶ Another maner, whan a huſbande hath muche earable land, and hath no donge noz ſhepe to com poſt noz donge hys lande withall. Than lette the huſbande take his ploughe, and caſt all ſuche lan des thze oz foure tymes to gyther, and make the ryg there as the rayne was befoze. And yf the landes be ſo bzode whan it is ſo caſt downe, than rygge eyther ſyde by it ſelfe, and ſo make .ii. lan des of one lande, oz thze landes of .ii. landes. And ſo ſhall he fynde new molde that was nat ſene in an hundzeth yeres befoze, the whyche muſt nedes gyue moze cozne than the other dyd befoze. ꝛc.

¶ Howe a man ſhuld amende hys medowes. Capi. xxv.

SE that ther be no Moldy warpes caſtig in the medowes, and yf there be in Apzil let them be ſpzed ⁊ beſtē ſmale. And this is beſt way to ſpzede them and make them ſmalle. To take a great bought of a tre, and to plaſche ꝑ bowes abzode and laye them lowe, and yf they lye nat bzode ynoughe, than take other ſmall bowes and bynd them faſt to the ſame, and to lay a tre oz two ouerwharte the bowes, to holde them downe flatte to the earthe, and to bynde the trees to the bowes that it fall nat of. And than to booze an

hole

hole wyth an auger in the great boughes ende, or els to tye a rope fast to all the boughes endes to gether, and to caste the teme of the same, and wyth oxen, or horses to drawe the sayde boughes, bothe vp and downe & ouerwhart the sayd moldwarpe hyllys, the which shal spreade them better than any mans handes can do, and that shall refresche the grasse and make the medowes much better, &c.

¶ Another maner of mendynge of medowes is, yf there be any ronnynge water or lande flodde, that may be set or brought to ronne ouer the medowes, from the tyme that they be mowen vnto the begynnyng of May, and they wyll be muche the better, and it shall kyll, drowne, & dryue away the Moldywarpes, and fyll vp the lowe places with sandes and make the ground euē and good to mowe. All maner of waters be good, so that they stande nat styll vpon grounde. But specyally that water that cōmeth out of a towne from euery mannes myddynge or donghyll is best, and wyll make the medowes most rankest. And fro the begynnyng of May tyll the medowes be mowen & the hay gotten in the waters woulde be set by & ronne another way for dyuers cōsyderacyons. &c.

¶ To amend and make better, dyuers maners of pastures.

It is vndoubted that there be dyuers maners of pastures, as lowe grounde lyke medowe ground, ley ground, the whyche hath ben earable ground of late, busshy ground, the which somtime hath ben earable ground, busshy grounde the whyche was neuer earable ground, gorsty ground, the whyche hath ben earable grounde, gorsty ground the which was neuer earable. Stony grounde

hethe groūd, marysh ground, chalke groūd, flynty groūd, chylturne ground, & lymstone groūd. &c.

☞ To amende lowe ground lyke medowe grounde.

Ye shall do by it, as I haue shewed you in the nexte chapiter before of your medowes, and yf any water stande styll and wyll nat voyde, make a dyche two or thre, as nede shall requyre. and vpō the sydes of the dyche that the water maye come into it. Conuey the water awaye, and wyth a ploughe make dyuers forowes from the sayd dyche vp into the pasture, where the water standeth and wyth a Carte, a wayne, or a sleyde, cari away the earthe that the ploughe tourneth vp, or els it wyll stoppe the water on the on syde, and yf the ploughe forowe be to lytell, thā make diuers smale dyches, and open them on bothe sydes, so that thou leaue no water standyng in the pasture no tyme of the yere. And mylche kye, draught Oxen, labouryng horses, and mares, be most conuenyent to go to gyther in such pastures.

☞ How to amende ley grounde the which hath ben earable lande of late. Ca. xxvii.

☞ Ye must take hede how the leyse lye. and specyally that they lie nat to highe, for and they do it is more profite to the husband to cast it downe agayne, and sowe it with otes one yere, two or. iii. and to ley it lower and rounde in good temper. & se that no water stande at the landes endes buttynge on the headlandes, & yf it so do, than with a ploughe cast a forowe toward ẏ hedlādes & than the water wyll folow that forowe and make the landes drye. But that forow wyll nat serue paste one or two yeres, but it must be renewed. And yf

it

it ware mossye in winter, than wold it be plowed agayne and sowen with dyuers cornes, as the grounde requyreth. And at the fyrste plowynge it wolde be plowed a square forowe, as depe as it is brode and layd flatte and sowen wyth otes, ỹ the mosse may rotte, and than to lye falowe one yere, and than to be sowen with wheat, Rye, or Barley, as the husbande thynketh moost conuenyent. And yf it shulde lye falowe the fyrst yere the mosse wyll nat rotte, and at wynter it wyl be wette and drowne all the wheat and Rye that it toucheth. And yf a man haue plenty of suche pasture that wold be mossy euerye thre yere let hym breake vp a newe pese of ground, and ploughe it and sowe it (as I haue sayd before) and he shall haue plenty of corne wyth lytel dongyng and sow it no longer than it wyll beare plenty of corne wtout donge, and it wyll beare muche better grasse ten or .xii. yere after. And yf the leyse be to brode, than make two lãdes of one lade (as I haue sayd before) And shepe are the most conuenyent catell that may go on suche pasture, and best they wyl amende the grasse, & to take good hede ỹ ye suffre neither breres, nor blacke thornes, nor none other maner of busches to grow in your pastures, and specyally by the hedges. &c

¶ How to amend busche grounde and mossy, that hath ben earable lande of olde tyme. Ca. xxviii.

There is none other remedye, but to stocke & get vp the busches by the rotes, and ỹ lande plowed and sowen (as I haue sayd before) the reyst grounde yf it be drye wyll bryng muche corn for the mosse wyl rot, and the mole hylockes wyll amende the grounde well. And yf there be an

marle pyttes, that haue bene made of olde tyme within the same close, than whan the landes begin to weare, yf he haue nat suffycyent of suche bushy and mossy ground to breake vp and sowe than there wolde be new marle pyttes made & the landes newe maried, the whyche is muche better than eyther donge, mucke, or lyme, for it wyll last twentye yeres to gyther, yf it be well done, and shalbe the better whyle it is lande. And I marualye greatly that in the commen feldes, where of olde tyme hath ben made manye great marle pyttes, the whyche hath done much good to the landes, that nowe a dayes no man doth occupy them ne make none other, and they nede not to doubte, But there is marle now as well as was than, but as me semeth there be two causes why, one is, the tenauntes be so doubteful of theyr landlordes that yf they shoulde marle and make theyr holdynges muche better, they feare leest they shulde be put out, or make a great fyne, or els to paye more rent And yf a lord so do, me semeth he is vnreasonable seynge that it was done all at the costes of his tenauntes, and nat at hys. The seconde cause is, that men be dysposed to ydelnesse, and wyll nat labour, as they haue done in tymes past put passe forthe his tyme as hys father dyd before hym, but yet me semeth a freholder shuld nat be of that condicyon, for he is in a suertye, hys chefe lorde cannat put hym out doynge his duetye. And he knoweth well, he shall take the profyte whyle he lyueth, and his heyres after hym, a corage to improue his owne, the whiche is as good as and he had purchased as much as the improuemente cõmeth to. And one man thys doynge, wolde gyue other

men

other men couage and a good example to folowe the same. And all other countreys maye take ensample at Chester shyre, and Lancaster shyre, for manye of them that haue so done haue made the improuement as good as the lãde was before.&c.

¶ Howe a man shulde amende bushye grounde that was neuer earable lande. Ca. xxix.

¶ Ye muste consyder what the grounde is dysposed vnto, and whether it be drye or wete, or be disposed to beare wode grasse or corne. If it be drye and full of grauell, it is better to beare wod, than other corne or grasse. If it be weate grounde, it is nat good for corne, but it wyll beare bothe wode and grasse. But and it be a blacke earth and drye it is good for corne, and it wyl quyte the coste to stocke it vp by the rootes, and to sowe it wyth corne. And yf it be whyte cleye, it is moste commenly a weate ground, and than it is not good for corne, but it wyll beare both wode and grasse and an acre of woode, is as good as an acre of corne grounde, or of grasse, and in some places muche better. And yf ye wyll encrease the sayde bushy grounde, and to make more wode, than bytwene Wyghelmas and Martinmas, ye must gather many akehornes, and put them in earthen pottes for those wyll kepe them moyste, and in February and Marche set the sayde akehornes in the sayd bushes, as thicke as ye wil, and vndoubted they wyll growe. And also ye maye gette the keyes of asches, nutes, and suche other and set the in lyke maner, and to kepe al maner of cattel that wyll eate any wood out of the same grounde tyl it be past danger of cattell. &c.

¶ Howe to amende woode grounde that lyeth in seuerall pasture. Ca. xxx

If they be great olde trees, yf ye fell them by the earthe, there wyll neuer come anye sprynges of them vp agayne, except they haue many smalle pumples and sprynges about the rotes. And therfore suche olde trees wolde be but lopped & cropped to beare more woode styll and yf it be a good grounde to beare corne, and be but a fewe trees, than it were best to stocke them vp by the rotes, and to plowe it and sowe it. And yf it be but yonge wode, ye maye chose whether ye wyl shrede it, loppe it, or croppe it, or fell it by the earth. And yf ye fell it by the earthe, & kepe the sprynge wel ye shall haue for euery tre. iii. or iiii. trees, so that it be feld at a dewe season of the yere, & ỳ is betwene Candelmas and Maye, wherof I haue spokē sufficyently ynoughe in the boke of Husbandye.

¶ How to amende gorsty groūd that hath ben earable lande. Capi. xxxi.

¶ Ye shall vnderstande that there be. ii. maner of gorse, and some men call them fyrse. One maner wyll growe on the drye grounde, and that maner wyll grow as hyghe as a man, and haue a great stalke, as much as a walkyng staffe, and yf ye wyll suffer them to growe and fel theym nat, by processe of tyme whan beastes go among them and specyally in wynter tyme for colde, and in somer for shade, that wyll cause them to dye. And many tymes and longe contynuall froste in wynter wyll kyll all these maner of gorse, and whan they be deade, yf ye plowe the lande agayne and sowe it with corne, whan it lyeth ley agayne, ehe gorse wyll growe agayne. And the best remedy for growynge agayne, to put on suche maner of pasture many shepe to eate it bare, but in many

many places they set greate store by those maner of gorse, and specyally for theyr fewell, and wolde nat gyue an acre of gorsty lande for two acres of earable lande. And on the maner of gorstye lande wolde growe good corne wyth lytell doungue, and it is more profyteto plowe it and sowe it, than to lye ley, excepte he kepe it for his fewel, and thei growe most commenly vpon drye grounde, somwhat sandy or graueliy, and shepe is the most cõuenyent catell that may go vpon such pasture.

☞How to amende gorsty lande, that was neuer earable lãde. Ca. xxxii.

IF the ground be drye, and growe full of suche maner of gorse with the great stalke, ye be at your lybertye to do as I haue sayde, & yf it be of the other maner of gorse or fyrse, the whych growe lowe by the earth, & haue but lytel small stalkes, ỹ maner of gorse groweth alwaye on welspr̃ig grõde, somwhat moyst and weat, & it wyl neuer beare good corne, but hewe it vp to bake & brewe wythall for it wyll nat lyghtly be distroyed, for yf it be brẽt it wyll growe agayne. But and there be marle vnderneth in the ground wythin the same close yf ye make cost, than bren the Gorse at Marche and wyth a brygge and many oxen, plowe it and make smalle lãdes, and than marle them and sowe them with Otes, for that corne wyll growe beste on suche ground. And yf this wyll nat serue it is paste remedye, for Marle mendeth all maner of ground but it is costly. &c.

¶How to amende Brome ground. Ca. xxxiii.

BRome groweth alway vpon dry and sandye grounde, and it wyll beare good Rye & Otes but it wyll nat endure to beare corne longe wyth

our

out it be donged wyth the carte or wyth the shepe fold, or bothe. And yf ye let it lye and plowe it nat the brome wyl come agayne, and shepe is the best catell to holde it vnder, but neuerthelesse it wyll growe, and whan it is growen of a yerde of heith or more, than it is good to ake and brewe wyth, and specyally whan a house is thacked to take ẏ brome and make it in quarters of a yerde long or there aboute, and pycke them into the thacke by and by, and couer the thacke cleane ouer, and it shall bothe kepe out weate and also saue it from pullynge downe wyth crowes, pyes, dawes, or choughes. And yf ye wold destroy it whan it is growen thre or foure fote of hyght, than aboute saynte James day fell it a fote aboue the earthe or more, and than the stalke wyll dye for a good season, but yf it be plowed agayne, it wyll growe as fast as euer it dyd, whan ye leaue plowynge.

¶ Howe to amende hethy groūd. Capi. xxxiiii.

¶ Ye shall vnderstande that there be foure maners of hethy grounde. s. hethe growynge vpon grauel, and hethe growing vpon sande these two maner of hethye groundes wyll beare no corne wythout much donge or mucke, for seldome is there any marle vnder that maner of hethe. And in many countreys where plynty of lyme stone is the husbandes do bren the lyme stone wyth wode and secole, and make lyme therof, and do set it vpon theyr landes as they do theyr donge, and do sprede it in lyke maner, the whych they call much better than donge, for lyme is hote of hym selfe. The other two maners of heythe is heythe growyng vpon whyte cley grounde, and heythe growynge vpon blacke earthe, that lyeth lowe lyke

marres

marrys grounde, and vnderneth these two maner of heythe groundes, there lyeth most commenly marle. Than bzenne the hethe and screthe for the marle, and dygge it vp and ley it thycke vpō the ground and spzede it, and than plowe it and sowe it, & it is much better then other lyme, muck or any maner of dunge, and lenger it wyll last, and se that there be no water standynge vpon the said grounde. &c.

¶ Howe to amende marrys ground. Cap. xxxv.

There is none other remedy, but fyzst to dzyne the water cleane away. And thys is a good meane to dzey the water cleane away. Fyzst in the lowest close where the water may best auoyded make a greate dyche and a depe that the water may auoyde. And yf all the water wyll nat come to that great dyche, but to stande styll in dyuers places, than make many small dyches one into an other, from the standyng waters, so that all these standyng waters maye come into the great dyche and that by reason shuld dzeyne the water cleane. And in a dzy sommer ye mai make many bzode and depe dyches and seuer the marrys in dyuers pastures, and make bzydges ouer the dyches into euery close, and dyuers lanes made lyke a causeye to conuey the cattell into the pastures, so that one cause oz lane, maye serue the closes oz pastures on bothe sydes. And in the lowest place of euerye close oz pasture, make a trenche oz a lytell dyche into the great dyche that gothe about. And thys shall ye make by pzocesse good pastures of marris grounde, and euer the lenger the better pastures, and specyally yf ye put in so muche catell, it shall make the better grasse and the lyner. And melche

kye

kye draught Oxen, and labouryng horses, is the best cattell to make good pasture on mares grou̅de and sheepe on drye grounde, for they wyll eate the grounde most bareſt and that causeth the grasse to be good & fyne. And yf this maner of dychynge wyl nat make the mares ground drye, than muste you make a soughe vndernethe the earthe, as men do to get cole, yron, stone, leade, or tynne. And yf yf that wyll nat serue, than kepe out youre cattell for feare of drownyng. &c.

☞ How to amende Bromy ground and fearny grounde. Capi. xxxvi.

BRomy ground, and fearny grounde, be much of one nature, for they growe on sandy and drye grounde. And they wyll beare good Rye, barley, bygge, or heyze, and Otes, yf they be donged wyth sheepe. carte. or wayne.

For such lyght grounde wyll soone weare and waſshe wyth water, yf it be nat donged. And yf they lye vnplowed, they wyll growe full of brome and fearne, & yf ye wyl destroy the brome whan it is growen thre or foure fote hye. In mydsomer moone or sone after whan it is full blomed, wyth a hedgyng byll cut the stalkes halfe a yarde aboue the earth, so that ye leaue no grene stalke growyng vpon the rote, and that wyll cause it to dye But and ye plowe it agayne and after let it lye, it wyl growe agayne, and yf ye mowe fearne whan it is ponge, so þ it be mowen before Mydsommer by vse of such mowyng, it wyl weare away.

¶ Of chylturne grounde flinty ground and chalke grounde, Ca. xxxvii.

CHylturne grounde and flyntye grounde. be lyght grounde and drye, & full of smal stones

and

and chalke ground is muche of the same nature they wyll weare and waste away wyth water. And therfore they wold be douged, as the brompe and fearnye groundes be, for marle is seldome fou̅de in these maner of groundes. And therfore yf ye wante shepe and donge , they wolde ley and rest the̅ that they may mende wyth lyeng.

¶ Of lyme stone ground. Capi. xxxviii

Lymestone grounde is verye good, bothe for corne and grasse, and yet in some place there wyll much hey grow vpon limestone grou̅de and that is long of euyl husbandry. For and that heyth were brenned plowed, and sowed the fyrste yere wyth Otes, and than falowed and sowed wyth wheate, Rye, and Barley, and after wyth Beans or Peas, it wyll beare much corne wyth lytel dōg and shall beare alwaye after the better grasse. And shepe is the beste catell that can go vpon any of those syxe maner of grounde, and best they will amende the grasse, & kepe the̅ selfe from rottynge. And he that hath lymestone may bren it wyth cole and wode & make lyme, wher̅ he maye lyme hys grounde, & that wyll bryng good corne, or he may sell his lyme at his pleasure.

¶ What profyte may come or growe to ẏ Lord by reason of his waters. Ca. xxix.

Hyrst ye shal vnderstand, that there be dyuers maner of water, ẏ is to say, standyng waters as pooles, meyres, or motes, and stewes. And also ronnynge waters, as great ryuers, smaller ryuers, brokes, suches, welspryngs, and pittes, tha̅ what profyte may come to the lorde of them. The lorde may set the fyschynges of all the sayde waters to his tenau̅tes for certayne rent, & he may

reserue

reserue to hym selfe certayne fysche, or to fysche certayne tymes, or at any tyme at hys pleasure.

¶ The maner to make dyuers maners of mylnes. Capi. xl.

Also vpon these waters, the lorde may set dyuers maner of mylnes, the whyche maye be to the lordes great ease & profyte. As vpon the great ryuers, corne mylnes, that be called grounde mylnes, & they be called grounde mylnes, because the ouer syde of the heade sylle lyeth euen w̄ the ouer syde of the ground in the bottō of the water. And also fullynge milnes, other wyse called walke milnes, maye be made in lyke maner, & stande also vpon the great ryuers. And than one whele is able to dryue two stockes ꝑ is to say, bothe a poytyere & a faller the faller bothe to succoure & herely, & the potyere to thycke ꝑ clothe. And cōmenly these milnes be nat set vpon the great stremes of great riuers but a great part of the waters is conueyd out of ꝑ great streme by a myln̄e steme made with mans hand to a certayne place, where wyse men thinke the myln̄e most conuenyent to be set. and ꝑ sayde water to be holden vp & brought to ꝑ sayde myln̄e by reason and sytteynge of a weyre ouerthwarte the said streme, made of trouse, timber, or stone or of bothe. And whan it is past the myln̄e with a suffycyent fall of the water, that the myln̄e stand nat in a backe water, to retourne into the ryuer agayne. And in many places the sayde milnes be set on the one syde of the great ryuer, & a weyre made of ꝑ tymbre and stone to holde vp the water to the myln̄e, the whyche is a great cost, and many tyme it wyll stande in lacke of water that it may nat go well at a greate flode, excepte the grounde

worke be made very hye. But they be profytable bothe in greyndynge of corne and fullynge of cloth and in takynge of much fysche. And in lyke maner these sayd two maner of mylnes maye be set vpon smalle ryuers, wythout any sleme castynge, but all onelye hys weyre to holde by the water, and his slode gates to let it go at a slode, whan nede shall requyre. Also there be two maner of corne mylnes, that is to saye, a breste mylne, and an ouershote mylne, and those two maner of mylnes be set and go moste commenlye vpon smalle brokes, and vpon great pooles and meyres. And they haue alwaye a brode bowe a fote brode and more, and the ladelles be alway shrowded wyth compaste bordes on bothe sydes to holde in the water, and than they be called bucketes. And they muste be set muche nerer to gyther than the ladelles be, and muche more a slope downewarde to holde muche water that it fall nat oute, for it dryueth the whele as well wyth the weyght of the water as with the strength. And the mylner must drawe hys water accordyng to his bucketes, that they may be alway full and no more for the lenger that they hold the water the better they be. Also another maner of fallinge mylnes, may be set and go vpon the sayd smalle brokes, pooles, or meyres and those be called fallers, for a faller by hym selfe requyreth nat so great strengthe of water as the potyer doth, because the water cometh most cõmenly ouer the whele, and ỹ braces do but heue vp the two fete that fall into the stocke vpon the cloth, the whych causeth the clothe to thycke and tourne. Also these mylnes that be set and go on smale waters, may go and rõne wyth a gogyn of

yron vpon vulder stones, or vpon brasse as a bell doth, for that wyl go most lyghtest. But these mil-nes that go vpon these great riuers, that be brode beuy, and weyghty, must nedes haue two greate thycke hoppes of yron foure ynchesse brode, and an ynche thycke, and eyght or nyne ynches betwe-ne the sydes, set on bothe endes of the shafte, for ỹ gogyn of yron wyll nat beare them and specyallye the fullynge mylne. And that mylne that goeth w̃ a gogyn, yet must it haue on eyther ende of the shafte a hoop of yron and vulders vnder, and yf the gogyn fayle or ware lose, but it shall nat touche them bothe at one. And let the mylner take good hede bothe to the gogyns, and hoopes that they be nat lose, for than wyll the shafte endes brenne of. For than he hurteth his lorde, his mayster, or hym selfe, for mylne shaftes be costely.

But in so muche as there is great profyte to the Lordes in makynge of thes mylnes, and the moste rente is reysed vpon so lytell grounde and ofte ty-mes for wante of the sede of discrecyon and expe-ryence of good makynge, there be many defaultes made in them, and specyally in makynge of the mylne trought, where the mylne whele goeth, for ofte tymes they make it to holowe and depe vnder the whele, that the water standeth ther-in whan the Mylne goeth nat, for the tayle sylle would lye bare and drye whan the mylne goethe nat. And the tayle sylle wolde be twentye ynches or. xviii. vnder the head sylle, and the trought wolde nat passe foure ynches holowe at the moost and as longe as it may rereyne thre ladelles, the fourthe ladell entreynge the water, and the fyfte ladell leauynge the water. And the strake sylles

bothe

bothe aboue and vnder wolde be of good lengthe so that the whele come nat nyghe to the drought gate by two fote or more, for the further from the gate, the bygger and the swyfter is the streme.

And the lenger that the ladell is, the better it is, so that it haue sufficyent water. And than the myner neveth nat to drawe vp hys gate so hyghe as and the ladell be shorte, for the ebber the water is, and the swifter it is. And a double bowed whele is muche better than a syngle bowed whele for many causes, yf there be sufficyent water: and better it wyll kepe the ladelles from lesynge. The ladell moste commenlye of a double bowed whele wolde be thre fore longe and a fote brode, and to drawe vp his draught gate nyne or tenne yuches is sufficyent. And than shall nat the bowe of the whele be hyd nor couered in the water, and than it gothe swyftlye. And vpon the great ryuers the ladelles maye be an elne longe, but for the weyght and drawynge vp of the draughte gate. &c. The greater compasse the whele is, the lasse water wyll dryue it, but it wyll nat go so ofte aboute as a lytell whele wyll do. But the cogge whele in a corne myne is a great helper, yf it be well pycked well cogged, and well ronged, syxe tonges, and. xlviii. cogges, are beste for a great ryuerre.

For than the myle stone goth eyght tymes aboute and the water whele but ones, and euerye ronge kepeth his owne cogge (et contra) and chaungeth nat on any syde. And for a meane water syxe ronges and. xlii. cogges is beste. And for the ouer short myne syxe ronges and. xxxvi. cogges is best

For the cogge whele maye nat be of so greate a compasse as the other cogge wheles be. And in

all these pykes, euery cogge kepeth hys owne rõge. And yf ye put in any whele a cogge or two cogges mo or lasse, than as I haue sayd, shall euery cogge chaunge his ronge at all tymes, so that it be nat very truly pycked, it wyl nat go wel, and yf it fortune to breake a cogge, as it is lyke to do, it wyll thã breke many of thẽ, except he shote downe hys draught gate shortely, and lyke wyse a wyndemilne. Howe be it a wyndemylne hath neuer vnder xlviii. cogges or liiii. &c. But they must be so pycked, that euery cogge kepe hys owne ronge, and seuen ronges are nat profytable for they go lately Of horse mylnes I do nat speake of the makyng, for I haue nat experyence of them, as I haue of watermylnes.

¶ Also the Lordes and theyr tenauntes haue an other maner of profyte by reason of these waters ouer and besyde these maner of mylnes or fyschynges, and that is by reason of the waterynge of theyr catell and beastes both wynter and sommer and specyally of the ronnyng waters, as ryuers, brokes, sucches, and wellsprynges, for they done seldome freese or neuer, and they wyll be colde in sõmer and warme in wynter, and yf a close want water it hath a great meane and is much ỹ worse

¶ Forthermore it is conuenient for a Surueyour that whan he hath serueyed hys Lordes landes, and sene what profytes an aprouementes maye ryse and be made within the same, that he shewe his Lorde therof and aduyse hym to do it, and to make the coste. For it is vndoubted, that a man can nat make to sure purchase of anye maner of lande, better tytell, nor lyghter cost, nor more aduauntage to hym selfe, than to improue, amende

and

and make better, hys owne olde inheritaunce. I meane nat by the heyghtynge, reysynge, or encreasynge of the rentes of theyr tenauntes, but alone lye in mendynge and makynge better his earable landes, medowes, leyse, ann pastures and in makynge of water mylnes, wyndmylnes, horse mylnes, fullynge mylnes, sythe mylnes, cutler mylnes be it by water or draught of horses, smethye mylnes, or such other. And also of gettynge of al maner of profytes, as well vnder the earth as aboue (as before is remembred) in the syxt chapiter.

¶ And by the reason of these improuementes me semeth a man myght make euery townesshyp that standeth in the playne champion countre and occupyed in tyllage halfe as good agayne in all maner of profytes to the tenauntes as it was before yf the lordes therof and theyr tenauntes can agree of the costes that shuld be made therof. and neuer a house nor cottage to be decayed nor lette downe and to haue as muche lande in tillage & plowynge as there was before, & their corne and grasse shuld be better saued and kepte from destroyeng.

¶ Howe to make a townesshyppe ẏ is worth. xx. marke a yere worthe. xx. li. a yere. Cap. xli.

IT is vndouted that to euery townesshyppe that standeth in tyllage in the playne coūtrie there earable landes to ploughe & sow and leyse to tye or tedder theyr horses and maren vpon, and commen pasture to kepe and pasture theyr catell, beastes, and shepe vpon. And also they haue medowe grounde to get theyr hey vpon. Than to lette it be knowen howe many acres of earable lande euery man hathe in tyllage, and of the same acres in euerye felde to chaunge

wyth his neyghbours, and to leye them to gyther and to make hym one seuerall close in euerye felde for his tarable landes and hys leyse in euery felde to ley them, togyther in one felde, and to make one seuerall close for them all. And also another seuerall close for his pozeyon for his commen pasture, and also his pozeyon of his medowe in a seuerall close by it selfe, and all kepte in seuerall bothe in in wynter and somer, and euery cottage shal haue his pozeyon assygned hym accozdinge to his rent, and than shall nat the ryche man ouerpresse the pooze man wyth his cattell, and euery man maye eate his owne close at his pleasure. And vndouted, that hey and strawe that wyll fynde one beast in the house, wyll fynde two beastes in the close, and better they shal lyke. For those beastes in the house haue shozte heare and thyne, and towarde Marche they wyll pylle and be bare. And therfoze they may nat abyde in the felde befoze the herdme in wynter tyme for colde. And those ỳ lye in a close vnder a hedge haue longe heare and thicke, and they wyll neuer pylle noz be bare, and by this reason the husband may kepe twyse so many cattel as he did befoze.

¶ This is the cause of this appzoumente. Nowe euery husbande hathe fyue seuerall closes, whereof three be for corne, the fourthe for hys leyse, the fyfte for his commen pastures, and the fyrste for hys haye, & in wynter tyme there is but one occupyed wt corne, and than hathe the husband other fyue, to occupy tyll Lent do come, and than he hathe his falowe felde, hys ley felde, and his pasture felde all sommer.

And whan he hath mowen hys medowe, than he

hathe

hathe hys medowe grounde, so that and he haue any weyke catell, he maye put them in anye close he wyll, the whiche is a great aduauntage, and yf all shulde lye commen, than woulde the edysche of the corne feldes, and the after mathe of all the medowes be eaten in ten or twelue dayes. And the ryche men that hath muche catell, wolde haue the aduauntage, and the poore man can haue no helpe, nor releefe in wynter, whan he hathe moste nede. And yf an acre of lande be worthe syxe pens or it be enclosed, it wyll be worthe eyght pens, whan it is enclose, by reason of the compostynge and dongynge of the catell. that shall go and lye vpon it bothe daye and nyghte. And yf any of his .3. closes that he hathe for his corne be worne or were bare, than he maye breake and plow vp his close that he hadde for his leyse, or the close that he had for his commen pasture, or bothe, and sowe them with corne, and lette the other lye for a tyme, and so shall he haue alwaye reyst grounde the whyche wyll beare muche corne wyth lytell dongne, and also he shall haue great profyte of the woode in the hedges whan is growen. and nat all onely these profytes and aduauntages before sayde, but he shall saue muche more than all these; for by reason of these clothes, he shall saue meate, drynke, and wages of a shepehearde, the wages of the herdeman, and the wages of the swyne-hearde, the whiche maye fortune to be as chargeable as all his hole rente, and also his corne shall be better saued from eatyng or dystroyning with cattell. For doubte ye nat, but heardemen wyth theyr cattell, shepeheardes wyth theyr shepe, and tyenge of Horses and Mares, dystroyeth muche

corne, the whiche the hedges wolde saue. Paraduenture some men wold say that this shulde be agaynst the commen weale, bicause the shepeherdes herdemen, and swyne heardes, shuld than be put out of wages. To that it may be answered thoughe those occupacyons be nat vsed there be as many newe occupacyons that were nat vsed before As gettynge of quicke settes, dychynge, hedgynge and plasschynge the whiche the same men may vse and occupye. And it may fortune men wyll say, ẏ and all shuld be enclosed, that there would be many foule lanes as there be in Essexe, but for that there may be a prouysion and that is thus, where the Kinges hyghe way is, yf it be drye ground, stony ground, or sandy groūd, in al such places may be lanes made of a cōuenient brede, for the Kinges people to passe thorowe with al maner of cariage And where it is softe ground lyenge leuell, that the waters may nat well passe by the dychesse, at euery hedge that goth ouer wharte the hye waye there to make a gate, and stone it or grauel it in that place. And than hath euery man the hole close to ryde, cary, or go in, as they had before like wyse as they do at the wynde gates a thys syde Chorley in Lankasschyre, and lykewise bytwne towne and towne, and as to theyr owne dryft lanes to theyr closes, let them make them for theyr owne case as they wyll haue them. &c.

¶ The moste indifferenteste meane to make these approuementes, as me semeth is this, All the lordes of one towne, be there neuer so manye, shulde be all of one assent, that theyr tenauntes shulde exchaunge theyr landes one wyth another, and the

the sayde exchaunge to stand and endure for euer
for doubte them nat but they knowe it beste, and
euery tenaunte for his owne aduauntage wyl do
it indyfferently, and the curate of ỹ same parisshe
for his parte, and euery lordes bayly to be indyf-
ferente, to se these closes lotted and assygned to e-
uery mannes ease, so that euery man maye haue
one lytell croft or close nexte to his owne house,
yf it maye be, thoughe he haue no lande of hys
owne. This done let euery lorde by his copye of
courte role or by indenture, to make a sufficyente
lease to euery of theyr tenauntes, to haue to hym
and to his wife, and to hys chylden, so that it
passe nat thre lyues, than beynge a lyue and na-
med, yeldyng and payenge to theyr lordes and to
theyr heyres, the olde rentes and serupces before
due and accustomed, duryng those their lyues, v-
pon this condycyon. That they shall do or cause
to be done, durynge theyr lyues, sufficyentlye to
quycke set, dyche, hedge, and plasshe, whan nede
is, all the sayde closes. and to kepe them durynge
theyr lyues, the whyche wyll be a great charge to
the tenauntes. But yet me semeth they maye well
do it, yf they entende to thryue, and specyally do
remembre the profytes that may come to theym
afterward. There is an olde sayinge. Quod le-
uis est labor cum lucro, that is to saye. That la-
boure is lyght where wynnynge foloweth, and
much of thys laboure may be done by hym selfe
and his seruauntes, at a conuenyent tyme, so that
he lette nat hys husbandry. It is to much to be
done in one yere two, or thre, but and they maye
do it in syxe or nyne yeres, as the felde go aboute,
they bye them well, for it is to costely for husban-
des

des to hyre it to be done. And the lordes me se-
meth can do no lasse, than to graunte them these
thre lyues of the olde rente, remembrynge what
profyte they maye haue at the ende of theyr ter-
mes, they knowe nat howe soone. For vndob-
ted, one sette daye cometh at laste, and thoughe
the aduauntage of the Lorde come nat a-
none, it wyl come at lengthe. And ther-
fore saythe the Phylasopher. Quod
differtur non aufertur, that
thynge that is differ-
red is nat ta-
ken a-
waye, and in the meane time the Lor-
des haue no maner of losse, nor
yet make no costes,
but at theyr
pleasure.
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